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# Report of the International Court of Justice

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*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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# Contents


| *Chapter* | | *Page* |
|---|---|---|
| I. | Summary | 5 |
| II. | Role and jurisdiction of the Court | 12 |
| III. | Organization of the Court | 14 |
| | A. Composition | 14 |
| | B. Privileges and immunities | 17 |
| | C. Seat | 17 |
| IV. | Registry | 19 |
| V. | Judicial activity of the Court | 21 |
| | A. Pending contentious proceedings during the period under review | 21 |
| | 1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* | 21 |
| | 2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* | 21 |
| | 3. *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* | 23 |
| | 4. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)* | 24 |
| | 5. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)* | 25 |
| | 6. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)* | 26 |
| | 7. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* | 28 |
| | 8. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)* | 33 |
| | 9. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)* | 35 |
| | 10. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)* | 37 |
| | 11. *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)* | 38 |
| | 12. *Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)* | 41 |
| | 13. *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* | 42 |
| | 14. *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)* | 45 |

15. *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)* .. 47

16. *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)* ..... 49

17. *Application for revision of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)* ..... 54

18. *Jadhav Case (India* v. *Pakistan)* ..... 55

19. *Request for Interpretation of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)* ..... 57

B. Pending advisory proceedings during the period under review ..... 58

*Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* ..... 58

VI. Visits to the Court and other activities ..... 60

VII. Publications and presentation of the Court to the public ..... 62

VIII. Finances of the Court ..... 65

Annex

International Court of Justice: Organizational structure and post distribution of the Registry as at 31 July 2017 ..... 67

# Chapter I

## Summary

### Brief overview of the judicial work of the Court

1. During the period under review, the International Court of Justice once again experienced a particularly high level of activity. Among other things, it delivered judgments in the following cases:

(1) *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)*, Judgment on the questions of the jurisdiction of the Court and the admissibility of the Application (see para. 162);

(2) *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)*, Judgment on the questions of the jurisdiction of the Court and the admissibility of the Application (see para. 175);

(3) *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*, Judgment on the preliminary objections raised by the Respondent (see para. 185);

(4) *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*, Judgment on the preliminary objections raised by the Respondent (see para. 200).

2. The Court or its President also handed down 14 orders. The purpose of 10 of those orders was to fix the time-limits given to the parties for the filing of written pleadings in the following cases (in chronological order):

(1) the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)* (see para. 104);

(2) the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* (see para. 85);

(3) the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (see para. 90);

(4) the case concerning *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)* (see para. 241) — by the same Order, the Court decided to join the proceedings in this case with those in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* (see paras. 242 and 148);

(5) the case concerning *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)* (see para. 201);

(6) the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* (see para. 223);

(7) the case concerning *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)* (see para. 232);

(8) the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International*

*Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)* (see para. 257);

(9) the *Jadhav Case (India* v. Pakistan) (see para. 282);

(10) the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (see para. 91).

Three were in response to requests for the indication of provisional measures submitted in the following cases (in chronological order):

(1) the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* (see para. 221);

(2) the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)* (see para. 256);

(3) the *Jadhav Case (India* v. *Pakistan)* (see para. 280).

Finally, the Court delivered an Order on the organization of advisory proceedings, and in particular fixed the time limits for the presentation of written statements and written comments on those written statements in:

*Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (request for an advisory opinion)* (see para. 294).

3. During the same period, the International Court of Justice held public hearings in the following cases (in chronological order):

(1) in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*, it held hearings on the preliminary objections raised by Kenya (see paras. 187 to 201);

(2) in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*, it held hearings on the request for the indication of provisional measures submitted by Equatorial Guinea (see paras. 210 to 223);

(3) in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*, it held hearings on the request for the indication of provisional measures submitted by Ukraine (see paras. 246 to 257);

(4) in the *Jadhav Case (India* v. *Pakistan)*, it held hearings on the request for the indication of provisional measures submitted by India (see paras. 267 to 282);

(5) in the joined cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)*, it held hearings on the merits (see paras. 133 to 151 and paras. 233 to 245).

4. The Court was also seized of the following five new contentious cases and one request for an advisory opinion (in chronological order):

(1) *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)* (see paras. 233 to 245);

(2) *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)* (see paras. 246 to 257);

(3) *Application for revision of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)* (see paras. 258 to 266);

(4) *Jadhav Case (India* v. *Pakistan)* (see paras. 267 to 282);

(5) *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (request for an advisory opinion) (see paras. 291 to 294);

(6) *Request for Interpretation of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) (*Malaysia* v. *Singapore*) (see paras. 283 to 290).

5. At 31 July 2017, the number of cases entered in the Court's List stood at 17:

(1) *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;

(2) *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*;

(3) *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*;

(4) *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*;

(5) *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*;

(6) *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*;

(7) *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*;

(8) *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*;

(9) *Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)*;

(10) *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*;

(11) *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)*;

(12) *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)*;

(13) *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*;

(14) *Application for revision of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)*;

(15) *Jadhav Case (India* v. *Pakistan)*;

(16) *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (request for an advisory opinion)*;

(17) *Request for Interpretation of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)*.

6. The contentious cases pending involve States from four continents, including six from the Americas, five from Africa, five from Europe and five from Asia. The diverse geographical spread of cases is illustrative of the universal character of the jurisdiction of the United Nations' principal judicial organ.

7. Cases submitted to the Court involve a wide variety of subject matters: territorial and maritime disputes; consular rights; human rights; environmental damage and conservation of living resources; international responsibility and compensation for harm; the immunities of States, their representatives and assets; interpretation and application of international treaties and conventions, etc. This diversity of subject matter illustrates the general character of the Court's jurisdiction.

8. The cases that States entrust to the Court for settlement frequently involve a number of phases, as a result of the introduction of incidental proceedings, such as the filing of preliminary objections to jurisdiction or admissibility, or the submission of requests for the indication of provisional measures, which have to be dealt with as a matter of urgency.

**Continuation of the Court's sustained level of activity**

9. Over the last 20 years, the Registry's workload has grown considerably. In this regard, in his speech to the General Assembly on 27 October 2016, the President of the Court, Judge Ronny Abraham, stated that the Court had not lost sight "of the necessity to continuously reflect on the need to adapt its working methods to respond to the increase of its workload and complexification of the cases submitted to it".

10. In particular, the Court sets itself a very demanding schedule of hearings and deliberations, enabling it to consider several cases simultaneously and deal with the numerous associated incidental proceedings as promptly as possible. Over the past year, the Registry has sought to maintain the high level of efficiency and quality in its work of support to the functioning of the Court.

11. The key role played by the Court in the system of peaceful settlement of inter-State disputes established by the United Nations Charter is universally recognized.

12. The Court welcomes the confidence placed in it and the respect shown for it by States, which may rest assured that it will continue to work to ensure the peaceful settlement of disputes and to clarify the rules of international law on which its decisions are based, with the utmost integrity, impartiality and independence, and as expeditiously as possible.

13. In this respect, it should be recalled that having recourse to the principal judicial organ of the United Nations is a uniquely cost-effective solution. It should also be pointed out that, despite the complexity of the cases involved, the period between the closure of the oral proceedings and the reading of a Judgment by the Court is relatively short, since on average it does not exceed six months.

**Promoting the rule of law**

14. The Court once again takes this opportunity offered by the presentation of its Annual Report to report to the General Assembly on its role in promoting the rule of law, as the latter regularly invites it to do, most recently in its resolution 71/148 of 13 December 2016.

15. The Court plays a key role in maintaining and promoting the rule of law throughout the world. In this regard, it notes with satisfaction that, in its resolution 71/146, also dated 13 December 2016, the General Assembly emphasized "the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes", and recalled that "consistent with Article 96 of the Charter, the Court's advisory jurisdiction may [also] be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies".

16. The Court also notes with appreciation that, in its aforementioned resolution 71/148, the General Assembly called upon "States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute".

17. It goes without saying that everything the Court does is aimed at promoting and reinforcing the rule of law; through its judgments and advisory opinions, it contributes to strengthening and clarifying international law. The Court likewise endeavours to ensure that its decisions are well understood and publicized as widely as possible throughout the world, through its publications, the development of multimedia platforms and its own internet site, which was recently completely redesigned and updated to make it more user-friendly. The website contains the entire jurisprudence of the Court and that of its predecessor, the Permanent Court of International Justice, and provides useful information for States and international organizations wishing to make use of the procedures open to them at the Court.

18. The President and other Members of the Court, the Registrar and various members of the Registry staff regularly give presentations and take part in forums — both in The Hague, Netherlands and abroad — on the functioning of the Court, its procedure and its jurisprudence. Their presentations enable the public to gain a better understanding of what the Court does in both contentious cases and advisory proceedings.

19. Every year the Court welcomes a very large number of visitors to its seat. In particular, it receives heads of State and other official delegations from various countries with an interest in its work.

20. During the period under review, the Court was also visited by a number of groups consisting, among others, of diplomats, academics, judges and representatives of judicial authorities, lawyers and members of the legal profession — approximately 6,000 visitors in total. In addition, an open day is held every year which enables the Court to become better known to the general public.

21. Finally, the Court has a particular interest in young people: it participates in events organized by universities and offers internship programmes enabling students from various backgrounds to familiarize themselves with the institution and further their knowledge of international law.

**Budgetary requests**

22. At the start of 2017, the Court submitted its budgetary requests for the biennium 2018-2019 to the Assembly. The large majority of the Court's expenditure is fixed and statutory in nature, and most of the budgetary requests for the next biennium are to be used to fund this expenditure. The Court did not request the creation of any new posts for 2018-2019, but asked for two legal officer posts in its Department of Legal Matters to be reclassified from grade P-3 to grade P-4. In total, the proposed budget for the biennium 2018-2019 amounts to US$ 46,963,700 before recosting, a net increase of US$ 1,149,000 (or 2.5 per cent) compared to the budget for 2016-2017. This rise is largely to be used to enable the Court to provide training for members of the Registry staff, to act on recommendations concerning the Court's IT services, in particular the introduction of an integrated management software package (Umoja or other), to implement measures to guarantee operational continuity in the event of a disaster, and to finance the reclassification of the two above-mentioned posts.

**Supplementary budget**

23. The Court is grateful to the General Assembly for the supplementary budget granted to it in 2016. In its Order of 31 May 2016 in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* (see paras. 133 to 151 below), the Court decided, in accordance with Article 50 of its Statute, to arrange for an expert opinion with the purpose of determining the state of a portion of the Caribbean coast and providing clarification on certain factual matters relevant for the purpose of settling the dispute between the parties. In that same Order, the Court decided that the experts would conduct a site visit in order to answer the questions put to them by the Court.

24. Since the amount provided under the resolution concerning Unforeseen and Extraordinary Expenses was not sufficient to cover the cost of obtaining the said expert opinion, a request for additional funds was made. By its resolution 71/272 of 23 December 2016, the General Assembly approved, in the Court's programme budget for the biennium 2016-2017, an additional appropriation of US$120,000 for the appointment of experts in the above-mentioned case.

25. The experts conducted two site visits, the first from 4 to 9 December 2016 (during the rainy season, when the flow of the San Juan River is high), and the second from 12 to 17 March 2017 (when there is less rain, and the flow of the San Juan River is low).

26. The experts' report following those site visits was filed on 30 April 2017. The document, which is available on the Court's website, describes how the two visits were conducted and answers the questions put by the Court in its Order of 31 May 2016.

27. Furthermore, on 22 June 2017, the General Assembly adopted resolution 71/292, in which, referring to Article 65 of the Statute of the Court, it requests the Court for an advisory opinion on the Chagos Archipelago (see para. 291). Prior to the consideration and adoption of the text of this resolution, the Secretariat had informed the General Assembly orally that the implementation of the recommendations contained in the draft resolution would give rise to additional resource requirements under the regular budget. Since it was not possible to determine, at that stage, the full extent of the programme budget implications arising from the draft resolution, the Secretariat gave the General Assembly an estimate of the cost of advisory proceedings, which could range from US$ 450,000 to US$ 600,000. That estimate, drawn up by the Secretariat in consultation with the

Registry of the Court, was based on the cost of previous advisory proceedings before the Court. The Secretariat also indicated that, should the draft resolution be adopted, detailed revised estimates for the programme budget for the biennium 2018-2019 would be submitted to the General Assembly for its consideration during the 72nd session.

**Judges' pension scheme**

28. In 2012, the President of the Court sent a letter to the General Assembly, accompanied by an explanatory memorandum (A/66/726), expressing the Court's deep concern regarding certain proposals relating to the judges' pension scheme put forward by the Secretary-General (see annual report 2011-2012, paras. 26-30). The Court emphasized the serious problems raised by those proposals in terms of the integrity of its Statute, and in particular of the equality of its Members and their right to carry out their duties in full independence.

29. The Court is grateful to the Assembly for the particular attention that it has given to the issue, and for its decision to allow itself sufficient time to reflect on the matter, and to postpone discussing it, first to its sixty-eighth, sixty-ninth and seventy-first, and then to its seventy-fourth sessions. It has no doubt that, in accordance with resolution 71/272, the Assembly's discussions will take due account of the need to maintain "the integrity of the Statute of the International Court of Justice and other relevant statutory provisions, the universal character of the Court, principles of independence and equality and the unique character of membership of the Court".

**Asbestos**

30. As indicated in the annual reports for 2014-2015 and 2015-2016, the presence of asbestos was discovered in 2014 in the 1977 wing of the Peace Palace, which houses the Court's Deliberation Room and a number of judges' offices, and in archiving areas used by the Court in the Palace's old building.

31. Work to renovate the judges' building was carried out in the autumn of 2015 and completed at the start of 2016.

32. With regard to the old building, in 2016, the Carnegie Foundation requested the Dutch Ministry of Foreign Affairs to provide the funding needed to enable it to carry out two types of work: 1) inspection of the entire Peace Palace to pinpoint the exact location of any asbestos present, and 2) decontamination of parts of the building where asbestos had already been detected, in particular the basement, reception area and roof space. The Ministry provided the resources needed to decontaminate most of the basement, and this operation has now been completed.

# Chapter II
## Role and jurisdiction of the Court

33. The International Court of Justice, which has its seat at the Peace Palace in The Hague, is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946.

34. The basic documents governing the Court are the United Nations Charter and the Statute of the Court, which is annexed to the Charter. These are supplemented by the Rules of Court and Practice Directions, and by the Resolution concerning the Internal Judicial Practice of the Court. These texts can be found on the Court's website under the heading "Basic Documents" and are also published in *Acts and Documents No. 6* (2007).

35. The International Court of Justice is the only international court of a universal character with general jurisdiction. That jurisdiction is twofold.

### Jurisdiction in contentious cases

36. In the first place, the Court has to decide upon disputes freely submitted to it by States in the exercise of their sovereignty.

37. In this respect, it should be noted that, as at 31 July 2017, 193 States were parties to the Statute of the Court, and thus had access to it.

38. Moreover, 72 States have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Ireland, Italy, Japan, Kenya, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Senegal, Slovakia, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Timor-Leste, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland and Uruguay. The texts of the declarations filed with the Secretary-General by the above States are available, for information purposes, on the Court's website (under the heading "Jurisdiction").

39. Further, more than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction *ratione materiae* in the resolution of various types of disputes between States. A representative list of those treaties and conventions may also be found on the Court's website (under the heading "Jurisdiction"). The Court's jurisdiction can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. Finally, when submitting a dispute to the Court, a State may propose to found the Court's jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, in reliance on Article 38, paragraph 5, of the Rules of Court. If the latter State gives its consent, the Court's jurisdiction is established and the new case is entered in the General List on the date that this consent is given (this situation is known as *forum prorogatum*).

### Jurisdiction in advisory proceedings

40. The Court may also give advisory opinions. In addition to the General Assembly and Security Council, which are authorized to request advisory opinions

of the Court "on any legal questions" (Art. 96, para. 1, of the Charter), three other United Nations organs (Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly), as well as the following organizations, are at present authorized to request advisory opinions of the Court on legal questions arising within the scope of their activities (Art. 96, para. 2, of the Charter):

International Labour Organization;

Food and Agriculture Organization of the United Nations;

United Nations Educational, Scientific and Cultural Organization;

International Civil Aviation Organization;

World Health Organization;

World Bank;

International Finance Corporation;

International Development Association;

International Monetary Fund;

International Telecommunication Union;

World Meteorological Organization;

International Maritime Organization;

World Intellectual Property Organization;

International Fund for Agricultural Development;

United Nations Industrial Development Organization;

International Atomic Energy Agency.

41. A list of the international instruments that make provision for the advisory jurisdiction of the Court is available, for information purposes, on the Court's website (under the heading "Jurisdiction").

# Chapter III
# Organization of the Court

## A. Composition

42. The International Court of Justice consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. Every three years one third of the Court's seats falls vacant. The elections for the next renewal of the Court, which will take effect from 6 February 2018, are due to take place in the final quarter of 2017.

43. At 31 July 2017, the composition of the Court was as follows: President: Ronny Abraham (France); Vice-President: Abdulqawi Ahmed Yusuf (Somalia); Judges: Hisashi Owada (Japan), Peter Tomka (Slovakia), Mohamed Bennouna (Morocco), Antônio Augusto Cançado Trindade (Brazil), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States of America), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), James Richard Crawford (Australia) and Kirill Gevorgian (Russian Federation).

### President and Vice-President

44. The President and the Vice-President of the Court (Statute, Art. 21) are elected by the Members of the Court every three years by secret ballot. The Vice-President replaces the President in his or her absence, in the event of his or her inability to exercise his or her duties, or in the event of a vacancy in the presidency. Among other things, the President: (a) presides at all meetings of the Court, directs its work and supervises its administration; (b) in every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure. For this purpose, he summons the agents of the parties to meet him as soon as possible after their appointment, and whenever necessary thereafter; (c) may call upon the parties to act in such a way as will enable any order the Court may make on a request for provisional measures to have its appropriate effects; (d) may authorize the correction of a slip or error in any document filed by a party during the written proceedings; (e) when the Court decides, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it without the right to vote, takes steps to obtain all the information relevant to the choice of assessors; (f) directs the Court's judicial deliberations; (g) has a casting vote in the event of votes being equally divided during judicial deliberations; (h) is ex officio a member of the drafting committees unless he does not share the majority opinion of the Court, in which case his place is taken by the Vice-President or, failing that, by a third judge elected by the Court; (i) is ex officio a member of the Chamber of Summary Procedure formed annually by the Court; (j) signs all judgments, advisory opinions and orders of the Court, and the minutes; (k) delivers the judicial decisions of the Court at public sitting; (l) chairs the Budgetary and Administrative Committee of the Court; (m) addresses the representatives of the United Nations Member States every autumn in New York during the plenary meetings of the session of the General Assembly in order to present the *Report of the International Court of Justice*; and (n) receives, at the seat of the Court, heads of State and government and other dignitaries during official visits. When the Court is not sitting, the President may, among other things, be called upon to make procedural orders.

### Registrar and Deputy-Registrar

45. The Registrar of the Court is Mr. Philippe Couvreur, of Belgian nationality. On 3 February 2014, he was re-elected to the post by the Members of the Court for a third seven-year term of office as from 10 February 2014. Mr. Couvreur was first elected Registrar of the Court on 10 February 2000 and re-elected on 8 February 2007 (the duties of the Registrar are described in paras. 65-69 below).

46. The Deputy-Registrar of the Court is Mr. Jean-Pelé Fomété, of Cameroonian nationality. He was elected to the post on 11 February 2013 for a term of seven years as from 16 March 2013.

### Chamber of Summary Procedure, Budgetary and Administrative Committee and other committees

47. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, at 31 July 2017, was constituted as follows:

*Members*:

President Abraham
Vice-President Yusuf
Judges Xue, Donoghue and Gaja

*Substitute Members*:

Judges Cançado Trindade and Gevorgian.

48. The Court also formed committees to facilitate the performance of its administrative tasks. At 31 July 2017, they were composed as follows:

(a) Budgetary and Administrative Committee: President Abraham (Chair); Vice-President Yusuf; Judges Tomka, Greenwood, Xue, Sebutinde and Bhandari;

(b) Rules Committee: Judge Owada (Chair); Judges Cançado Trindade, Donoghue, Gaja, Robinson, Crawford and Gevorgian;

(c) Library Committee: Judge Cançado Trindade (Chair); Judges Gaja, Bhandari and Gevorgian.

### Judges ad hoc

49. In accordance with Article 31 of the Statute, parties that have no judge of their nationality on the Bench may choose a judge ad hoc for the purposes of the case that concerns them.

50. There were 23 instances where States parties chose judges ad hoc during the period under review, with these functions being carried out by 13 individuals (the same person may sit as judge ad hoc in more than one case).

51. The following sat as judges ad hoc in cases in which a final decision was made during the period covered by this report or in cases entered in the Court's List on 31 July 2017:

(1) In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, Mr. Joe Verhoeven, chosen by the Democratic Republic of the Congo.

(2) In the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, Mr. John Dugard, chosen by Costa Rica, and Mr. Gilbert Guillaume, chosen by Nicaragua.

(3) In the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*, Mr. Yves Daudet, chosen by the Plurinational State of Bolivia, and Mr. Donald M. McRae, chosen by Chile. Chile first chose Ms Louise Arbour to sit as judge ad hoc, then, when she resigned on 26 May 2017, it chose Mr. Donald M. McRae to replace her.

(4) In the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*, Mr. Leonid Skotnikov, chosen by Nicaragua, and Mr. Charles Brower, chosen by Colombia.

(5) In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*, Nicaragua first chose Mr. Gilbert Guillaume to sit as judgead hoc, then, when he resigned on 8 September 2015, it chose Mr. Yves Daudet to replace him. Colombia chose Mr. David Caron to sit as judgead hoc.

(6) In the joined cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)*, Mr. Bruno Simma, chosen by Costa Rica, and Mr. Awn Shawkat Al-Khasawneh, chosen by Nicaragua.

(7) In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)*, Mr. Mohammed Bedjaoui, chosen by the Marshall Islands.

(8) In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)*, Mr. Mohammed Bedjaoui, chosen by the Marshall Islands.

(9) In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*, Mr. Mohammed Bedjaoui, chosen by the Marshall Islands.

(10) In the case concerning the *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*, Mr. Gilbert Guillaume, chosen by Kenya.

(11) In the case concerning the *Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)*, Mr. Bruno Simma, chosen by Chile, and Mr. Yves Daudet, chosen by the Plurinational State of Bolivia.

(12) In the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*, Mr. James Kateka, chosen by Equatorial Guinea.

(13) In the case concerning *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)*, Mr. David Caron, chosen by the United States of America.

(14) In the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*, Mr. Fausto Pocar, chosen by Ukraine, and Mr. Leonid Skotnikov, chosen by the Russian Federation.

(15) In the case concerning the *Application for revision of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)*, Mr. John Dugard, chosen by Malaysia, and Mr. Gilbert Guillaume, chosen by Singapore.

## B. Privileges and immunities

52. Under Article 19 of the Statute of the Court, "[t]he Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

53. In the Netherlands, pursuant to an exchange of letters dated 26 June 1946 between the President of the Court and the Minister for Foreign Affairs, the Members of the Court enjoy, generally, the same privileges, immunities, facilities and prerogatives as heads of diplomatic missions accredited to His Majesty the King of the Netherlands (*Acts and Documents No. 6*, pp. 204-211 and pp. 214-217).

54. By resolution 90 (I) of 11 December 1946 (ibid., pp. 210-215), the General Assembly approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended the following: if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there; judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it; on journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys.

55. In the same resolution, the General Assembly recommended that the authorities of Members of the United Nations recognize and accept the laissez-passer issued to the judges by the Court. Such laissez-passer had been produced by the Court since 1950; unique to the Court, they were similar in form to those issued by the Secretary-General. Since February 2014, the Court has delegated the task of producing laissez-passer to the United Nations Office in Geneva. The new laissez-passer are modelled on electronic passports and meet the most recent International Civil Aviation Organization standards.

56. Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges and the Registrar "shall be free of all taxation".

## C. Seat

57. The seat of the Court is established at The Hague; this, however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55). The Court has so far never held sittings outside The Hague.

58. The Court occupies premises in the Peace Palace in The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises and provides for the Organization to pay an annual contribution to the Carnegie Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951

and 1958, as well as subsequent amendments. The annual contribution by the United Nations to the Carnegie Foundation rose to €1,361,651 for 2016 and to €1,375,080 for 2017.

59. In the second half of 2017, the Carnegie Foundation intends to launch an interactive process for assessing the level of services required at the Peace Palace, which should enable a revised agreement to be prepared for submission to the General Assembly.

# Chapter IV
# Registry

60. The Court is the only principal organ of the United Nations to have its own administration (see Art. 98 of the Charter). The Registry is the permanent international secretariat of the Court. Since the Court is both a judicial body and an international institution, the role of the Registry is both to provide judicial support and to act as a permanent administrative organ. The Registry's activities are thus administrative, as well as judicial and diplomatic.

61. The duties of the Registry are set out in detail in instructions drawn up by the Registrar and approved by the Court (see Rules, Art. 28, paras. 2 and 3). The version of the Instructions for the Registry which is currently in force was adopted by the Court in March 2012 (see annual report 2011-2012, para. 66).

62. Registry officials are appointed by the Court on proposals by the Registrar or, for General Service staff, by the Registrar with the approval of the President. Temporary staff are appointed by the Registrar. Working conditions are governed by the Staff Regulations adopted by the Court (see Rules, Art. 28). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy remuneration and pension rights corresponding to those of United Nations Secretariat officials of the equivalent category or grade.

63. The organizational structure of the Registry is fixed by the Court on proposals by the Registrar. The Registry consists of three departments and nine technical divisions (see the organizational chart of the Registry annexed to this Report). The President of the Court and the Registrar are each aided by a special assistant (grade P-3). The Members of the Court are each assisted by a law clerk (grade P-2). These 15 associate legal officers, although seconded to the judges, are members of the Registry staff, administratively attached to the Department of Legal Matters. The law clerks carry out research for the Members of the Court and the judges ad hoc, and work under their responsibility. A total of 15 secretaries, who are also members of the Registry staff, assist the Members of the Court and the judges ad hoc.

64. The total number of posts at the Registry is at present 116, namely 60 posts in the Professional category and above (all permanent posts) and 56 in the General Service category.

### The Registrar

65. The Registrar (Statute, Art. 21) is responsible for all departments and divisions of the Registry. Under the terms of Article 1 of the Instructions for the Registry, "[t]he staff are under his authority, and he alone is authorized to direct the work of the Registry, of which he is the Head". In the discharge of his functions the Registrar reports to the Court. His role is threefold: judicial, diplomatic and administrative.

66. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In this respect, the Registrar performs, among others, the following tasks: (a) he keeps the General List of all cases and is responsible for recording documents in the case files; (b) he manages the proceedings in the cases; (c) he is present in person, or represented by the Deputy-Registrar, at meetings of the Court and of Chambers; he provides any assistance required and is responsible for the preparation of reports or minutes of such meetings; (d) he signs all judgments, advisory opinions and orders of the Court, as well as minutes; (e) he maintains relations with the parties to a case and has specific responsibility for the

receipt and transmission of various documents, most importantly those instituting proceedings (applications and special agreements) and all written pleadings; (f) he is responsible for the translation, printing and publication of the Court's judgments, advisory opinions and orders, the pleadings, written statements and minutes of the public sittings in every case, and of such other documents as the Court may decide to publish; and (g) he has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the Nuremberg International Military Tribunal).

67. The Registrar's diplomatic duties include the following tasks: (a) he attends to the Court's external relations and acts as the channel of communication to and from the Court; (b) he manages external correspondence, including that relating to cases, and provides any consultations required; (c) he manages relations of a diplomatic nature, in particular with the organs and States Members of the United Nations, with other international organizations and with the Government of the country in which the Court has its seat; (d) he maintains relations with the local authorities and with the press; and (e) he is responsible for information concerning the Court's activities and for the Court's publications, including press releases.

68. The Registrar's administrative duties include: (a) the Registry's internal administration; (b) financial management, in accordance with the financial procedures of the United Nations, and in particular preparing and implementing the budget; (c) the supervision of all administrative tasks and of printing; and (d) making arrangements for such provision or verification of translations and interpretations into the Court's two official languages (English and French) as the Court may require.

69. Pursuant to the exchange of letters and General Assembly resolution 90 (I) as referred to in paragraphs 53 and 54 above, the Registrar is accorded the same privileges and immunities as heads of diplomatic missions in The Hague and, on journeys to third States, all the privileges, immunities and facilities granted to diplomatic envoys.

70. The Deputy-Registrar (Rules, Art. 27) assists the Registrar and acts as Registrar in the latter's absence.

# Chapter V

## Judicial activity of the Court

### A. Pending contentious proceedings during the period under review

#### 1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*

71. On 2 July 1993, the Republic of Hungary and the Slovak Republic jointly notified to the Court a Special Agreement, signed on 7 April 1993, for the submission to the Court of certain issues arising out of differences regarding the implementation and the termination of the Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system (see annual report 1992-1993). In its Judgment of 25 September 1997, the Court, having ruled upon the issues submitted by the parties, called upon both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989. On 3 September 1998, Slovakia filed in the Registry of the Court a request for an additional judgment in the case. Such an additional judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the Judgment delivered by the Court in that case on 25 September 1997 (see press release No. 98/28 of 3 September 1998). Hungary filed a written statement of its position on the request for an additional judgment made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court (see press release No. 98/31 of 7 October 1998). The parties subsequently resumed negotiations and regularly informed the Court of the progress made.

72. By a letter from the Agent of Slovakia dated 30 June 2017, the Slovak Government requested that the Court "place on record [its] discontinuance of the proceedings [instituted by means of the Request for an additional judgment in the case]". In a letter dated 12 July 2017, the Agent of Hungary stated that his Government "d[id] not oppose the discontinuance of the proceedings instituted by means of the Request of Slovakia of 3 September 1998 for an additional judgment".

73. By a letter to both Agents dated 18 July 2017, the Court communicated its decision to place on record the discontinuance of the procedure begun by means of Slovakia's Request for an additional judgment and informed them that it had taken note that both parties had reserved their respective right under Article 5, paragraph 3, of the Special Agreement of 7 April 1993 between Hungary and Slovakia to request the Court to render an additional judgment to determine the modalities for executing its Judgment of 25 September 1997.

#### 2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*

74. On 23 June 1999, the Democratic Republic of the Congo filed an Application instituting proceedings against the Republic of Uganda for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity" (see annual report 1998-1999).

75. In its Counter-Memorial, filed in the Registry on 20 April 2001, Uganda presented three counterclaims (see Annual Report 2000-2001).

76. In the Judgment which it rendered on 19 December 2005 (see annual report 2005-2006), the Court found in particular that Uganda, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying Ituri and by actively extending support to irregular forces having operated on the territory of the DRC, had violated the principle of non-use of force

in international relations and the principle of non-intervention; that it had violated, in the course of hostilities between Ugandan and Rwandan military forces in Kisangani, its obligations under international human rights law and international humanitarian law; that it had violated, by the conduct of its armed forces towards the Congolese civilian population and in particular as an occupying Power in Ituri district, other obligations incumbent on it under international human rights law and international humanitarian law; and that it had violated its obligations under international law by acts of looting, plundering and exploitation of Congolese natural resources committed by members of its armed forces in the territory of the Democratic Republic of the Congo and by its failure to prevent such acts as an occupying Power in Ituri district.

77. The Court also found that the Democratic Republic of the Congo had for its part violated obligations owed to Uganda under the Vienna Convention on Diplomatic Relations of 1961, through maltreatment of or failure to protect the persons and property protected by the said Convention.

78. The Court therefore found that the parties were under obligation to one another to make reparation for the injury caused. It decided that, failing agreement between the parties, the question of reparation would be settled by the Court and reserved for this purpose the subsequent procedure in the case. Since then, the parties have transmitted to the Court certain information concerning the negotiations they are holding to settle the question of reparation, as referred to in points (6) and (14) of the operative clause of the Judgment and paragraphs 260, 261 and 344 of the reasoning in the Judgment.

79. On 13 May 2015, the Registry of the Court received from the Democratic Republic of the Congo a document entitled "New Application to the International Court of Justice", requesting the Court to decide the question of the reparation due to the Democratic Republic of the Congo in the case. In that document, the Government of the Democratic Republic of the Congo stated in particular that:

> "the negotiations on the question of reparation owed to the Democratic Republic of the Congo by Uganda must now be deemed to have failed, as is made clear in the joint communiqué signed by both parties in Pretoria, South Africa, on 19 March 2015 [at the end of the fourth ministerial meeting held between the two States];
>
> it therefore behoves the Court, as provided for in paragraph 345 (6) of the Judgment of 19 December 2005, to reopen the proceedings that it suspended in the case, in order to determine the amount of reparation owed by Uganda to the Democratic Republic of the Congo, on the basis of the evidence already transmitted to Uganda and which will be made available to the Court".

80. At a meeting held by the President of the Court with the representatives of the Parties on 9 June 2015, the Co-Agent of the Democratic Republic of the Congo confirmed his Government's position. The Agent of Uganda, for his part, indicated that his Government was of the view that the conditions for referring the question of reparation to the Court had not been met, and that the request made by the Democratic Republic of the Congo in the Application filed on 13 May 2015 was premature.

81. By an Order dated 1 July 2015, the Court decided to resume the proceedings in the case with regard to the question of reparations, and fixed 6 January 2016 as the time limit for the filing, by the Democratic Republic of the Congo, of a Memorial on the reparations which it considers to be owed to it by Uganda, and for the filing, by Uganda, of a Memorial on the reparations which it considers to be owed to it by the Democratic Republic of the Congo.

82. In its Order, the Court further pointed out that the fixing of such time limits "leaves unaffected the right of the respective Heads of State to provide the further guidance referred to in the joint communiqué of 19 March 2015". Finally, it concluded that "each party should set out in a Memorial the entirety of its claim for damages which it considers to be owed to it by the other party and attach to that pleading all the evidence on which it wishes to rely".

83. By an Order dated 10 December 2015, the President of the Court extended to 28 April 2016 the time limit for the filing, by the parties, of their Memorials on the question of reparations.

84. By an Order dated 11 April 2016, the Court extended to 28 September 2016 the time limit for the filing, by the parties, of the said Memorials. Those pleadings were filed within the time limit thus extended.

85. By an Order dated 6 December 2016, the Court fixed 6 February 2018 as the time limit for the filing, by each party, of a Counter-Memorial responding to the claims presented by the other party in its Memorial.

### 3. *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*

86. On 18 November 2010, the Republic of Costa Rica filed an Application instituting proceedings against the Republic of Nicaragua in respect of an alleged "incursion into, occupation of and use by Nicaragua's Army of Costa Rican territory as well as [alleged] breaches of Nicaragua's obligations towards Costa Rica" under a number of international treaties and conventions (see annual report 2010-2011, para. 231).

87. By two separate Orders dated 17 April 2013, the Court joined these proceedings with those in the case concerning *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*, instituted by Nicaragua on 22 December 2011 (see annual report 2015-2016, paras. 121 and 135).

88. In the Judgment which it rendered on 16 December 2015 in the joined cases, the Court found, inter alia, that Nicaragua had the obligation to compensate Costa Rica for material damages caused by Nicaragua's unlawful activities on Costa Rican territory. It also decided that, failing agreement between the parties on this matter within 12 months from the date of the Judgment, the question of compensation due to Costa Rica would, at the request of one of the Parties, be settled by the Court, the amount of compensation being determined on the basis of additional written pleadings confined to that question. The Court consequently reserved for further decision the subsequent procedure in the *Costa Rica* v. *Nicaragua* case.

89. In a letter dated 16 January 2017, the Government of Costa Rica requested the Court "to settle the question of the compensation due to Costa Rica for damages caused by Nicaragua's unlawful activities".

90. By an Order dated 2 February 2017, the Court fixed 3 April 2017 and 2 June 2017 as the respective time limits for the filing of a Memorial by Costa Rica and a Counter-Memorial by Nicaragua on the sole question of compensation. These pleadings were filed within the time limits thus fixed.

91. By an Order dated 18 July 2017, the President of the Court authorized the submission of a Reply by Costa Rica and a Rejoinder by Nicaragua on the sole question of the methodology adopted in the expert reports presented by the parties in the Memorial and Counter-Memorial, and fixed 8 and 29 August 2017 as the respective time limits for the filing of these written pleadings.

### 4. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*

92. On 24 April 2013, the Plurinational State of Bolivia filed an Application instituting proceedings against the Republic of Chile concerning a dispute in relation to "Chile's obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean".

93. The Plurinational State of Bolivia's Application contains a summary of the facts — starting from the independence of that country in 1825 and continuing until the present day — which, according to the Plurinational State of Bolivia, constitute "the main relevant facts on which [its] claim is based".

94. In its Application, the Plurinational State of Bolivia states that the subject of the dispute lies in "(a) the existence of th[e above-mentioned] obligation, (b) the non-compliance with that obligation by Chile, and (c) Chile's duty to comply with the said obligation".

95. The Plurinational State of Bolivia asserts inter alia that "beyond its general obligations under international law, Chile has committed itself, more specifically through agreements, diplomatic practice and a series of declarations attributable to its highest-level representatives, to negotiate a sovereign access to the sea for Bolivia". According to Bolivia, "Chile has not complied with this obligation and ... denies the existence of its obligation".

96. The Plurinational State of Bolivia accordingly "requests the Court to adjudge and declare that:

(a) Chile has the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean;

(b) Chile has breached the said obligation;

(c) Chile must perform the said obligation in good faith, promptly, formally, within a reasonable time and effectively, to grant Bolivia a fully sovereign access to the Pacific Ocean".

97. As basis for the jurisdiction of the Court, the Applicant invokes Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogota) of 30 April 1948, to which both States are parties.

98. By an Order dated 18 June 2013, the Court fixed 17 April 2014 and 18 February 2015 as the respective time limits for the filing of a Memorial by the Plurinational State of Bolivia and a Counter-Memorial by Chile. The Memorial was filed within the time limit thus fixed.

99. On 15 July 2014, Chile, referring to Article 79, paragraph 1, of the Rules, filed a preliminary objection to the jurisdiction of the Court in the case. In accordance with paragraph 5 of the same Article, the proceedings on the merits were then suspended.

100. By an Order of 15 July, the President of the Court fixed 14 November 2014 as the time limit for the filing by the Plurinational State of Bolivia of a written statement of its observations and submissions on the preliminary objection raised by Chile. The written statement of the Plurinational State of Bolivia was filed within the time limit thus fixed.

101. Public hearings on the preliminary objection to the jurisdiction of the Court were held from 4 to 8 May 2015 (see annual report 2014-2015, para. 148).

102. In the Judgment which it rendered on 24 September 2015, the Court rejected the preliminary objection raised by Chile. It then found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogota, to entertain the Application filed by the Plurinational State of Bolivia.

103. By an Order dated 24 September 2015, the Court fixed 25 July 2016 as the new time limit for the filing of a Counter-Memorial by Chile. That pleading was filed within the time limit thus fixed.

104. By an Order dated 21 September 2016, the Court authorized the submission of a Reply by the Plurinational State of Bolivia and a Rejoinder by Chile, and fixed 21 March 2017 and 21 September 2017 as the respective time limits for the filing of these written pleadings. The Reply was filed within the time limit thus fixed.

### 5. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*

105. On 16 September 2013, the Republic of Nicaragua filed an Application instituting proceedings against the Republic of Colombia relating to a "dispute concern[ing] the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia".

106. In its Application, Nicaragua requests the Court to "adjudge and declare: [*f*]*irst*: [t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*]" and "[*s*]*econd*: [t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast".

107. Nicaragua recalls that "[t]he single maritime boundary between the continental shelf and the exclusive economic zones of Nicaragua and of Colombia within the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured was defined by the Court in paragraph 251 of its Judgment of 19 November 2012".

108. Nicaragua further recalls that "[i]n that case it had sought a declaration from the Court describing the course of the boundary of its continental shelf throughout the area of the overlap between its continental shelf entitlement and that of Colombia", but that "the Court considered that Nicaragua had not then established that it has a continental margin that extends beyond 200 nautical miles from the baselines from which its territorial sea is measured, and that [the Court] was therefore not then in a position to delimit the continental shelf as requested by Nicaragua".

109. Nicaragua contends that the "final information" submitted by it to the Commission on the Limits of the Continental Shelf on 24 June 2013 "demonstrates that Nicaragua's continental margin extends more than 200 nautical miles from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and both (i) traverses an area that lies more than 200 nautical miles from Colombia and also (ii) partly overlaps with an area that lies within 200 nautical miles of Colombia's coast".

110. The Applicant moreover observes that the two States "have not agreed upon a maritime boundary between them in the area beyond 200 nautical miles from the coast of Nicaragua. Further, Colombia has objected to continental shelf claims in that area".

111. Nicaragua bases the jurisdiction of the Court on Article XXXI of the Pact of Bogota.

112. By an Order dated 9 December 2013, the Court fixed 9 December 2014 and 9 December 2015 as the respective time limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia.

113. On 14 August 2014, Colombia, referring to Article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court and to the admissibility of the Application (see annual report 2015-2016, paras. 163-168).

114. In accordance with Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended.

115. By an Order of 19 September 2014, the Court fixed 19 January 2015 as the time limit within which Nicaragua might present a written statement of its observations and submissions on the preliminary objections raised by Colombia. The written statement of Nicaragua was filed within the time limit thus fixed.

116. The public hearings on the preliminary objections raised by Colombia were held between Monday 5 and Friday 9 October 2015.

117. In the Judgment it delivered on those preliminary objections on 17 March 2016, the Court found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogota, to entertain the first request put forward by Nicaragua in its Application, in which it asked the Court to adjudge and declare "[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012"; the Court also found that that request was admissible. However, it found the second request made by Nicaragua in its Application to be inadmissible.

118. By an Order dated 28 April 2016, the President of the Court fixed 28 September 2016 and 28 September 2017 as the new respective time limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia. The Memorial was filed within the time limit thus fixed.

### 6. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*

119. On 26 November 2013, the Republic of Nicaragua filed an Application instituting proceedings against the Republic of Colombia relating to a "dispute concern[ing] the violations of Nicaragua's sovereign rights and maritime zones declared by the Court's Judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*] and the threat of the use of force by Colombia in order to implement these violations".

120. In its Application, Nicaragua

> "requests the Court to adjudge and declare that Colombia is in breach of: its obligation not to use or threaten to use force under Article 2 (4) of the UN Charter and international customary law; its obligation not to violate Nicaragua's maritime zones as delimited in paragraph 251 of the ICJ Judgment of 19 November 2012 as well as Nicaragua's sovereign rights and jurisdiction in these zones; its obligation not to violate Nicaragua's rights under customary

international law as reflected in Parts V and VI of UNCLOS [the 1982 United Nations Convention on the Law of the Sea]; and that, consequently, Colombia is bound to comply with the Judgment of 19 November 2012, wipe out the legal and material consequences of its internationally wrongful acts, and make full reparation for the harm caused by those acts".

121. In support of its claim, Nicaragua cites various declarations reportedly made between 19 November 2012 and 18 September 2013 by the President, the Vice-President and the Minister for Foreign Affairs of Colombia, as well as by the Commander of the Colombian Navy. Nicaragua claims that these declarations represent a "rejection" by Colombia of the Judgment of the Court, and a decision on Colombia's part to consider the Judgment "not applicable".

122. Nicaragua states that "these declarations by the highest Colombian Authorities culminated with the enactment [by the President of Colombia] of a Decree that openly violated Nicaragua's sovereign rights over its maritime areas in the Caribbean". Specifically, the Applicant quotes Article 5 of Presidential Decree 1946, establishing an "Integral Contiguous Zone", which, according to the President of Colombia, "covers maritime spaces that extend from the south, where the Albuquerque and East Southeast keys are situated, and to the north, where Serranilla Key is located ... [and] includes the San Andrés, Providencia and Santa Catalina, Quitasueño, Serrana and Roncador islands, and the other formations in the area".

123. Nicaragua further states that the President of Colombia has declared that "[i]n this Integral Contiguous Zone [Colombia] will exercise jurisdiction and control over all areas related to security and the struggle against delinquency, and over fiscal, customs, environmental, immigration and health matters and other areas as well".

124. Nicaragua concludes with the following statement:

> "Prior and especially subsequent to the enactment of Decree 1946, the threatening declarations by Colombian Authorities and the hostile treatment given by Colombian naval forces to Nicaraguan vessels have seriously affected the possibilities of Nicaragua for exploiting the living and non-living resources in its Caribbean exclusive economic zone and continental shelf."

125. According to the Applicant, the President of Nicaragua indicated his country's willingness "to discuss issues relating to the implementation of the Court's Judgment" and its determination "to manage the situation peacefully", but the President of Colombia "rejected the dialogue".

126. Nicaragua bases the jurisdiction of the Court on Article XXXI of the Pact of Bogota. Nicaragua further contends that "[m]oreover and alternatively, the jurisdiction of the Court lies in its inherent power to pronounce on the actions required by its Judgments".

127. By an Order of 3 February 2014, the Court fixed 3 October 2014 and 3 June 2015 as the respective time limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia. The Memorial of Nicaragua was filed within the time limit thus fixed.

128. On 19 December 2014, Colombia, referring to Article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court (see annual report 2015-2016, paras. 184-189). In accordance with paragraph 5 of the same Article, the proceedings on the merits were then suspended.

129. By an Order of 19 December 2014, the President of the Court fixed 20 April 2015 as the time limit within which Nicaragua might present a written statement of its observations and submissions on the preliminary objections raised by Colombia. The written statement of Nicaragua was filed within the time limit thus fixed.

130. The public hearings on the preliminary objections raised by Colombia were held between Monday 28 September and Friday 2 October 2015.

131. In the Judgment it delivered on those preliminary objections on 17 March 2016, the Court found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogota, to adjudicate upon the dispute regarding the alleged violations by Colombia of Nicaragua's rights in the maritime zones which, according to Nicaragua, the Court declared in its 2012 Judgment appertained to Nicaragua.

132. By an Order dated 17 March 2016, the Court fixed 17 November 2016 as the new time limit for the filing of a Counter-Memorial by Colombia. That written pleading, which was filed within the time limit thus fixed, contained counterclaims Both parties then filed, within the time limits fixed by the Court, their written observations on the admissibility of those claims. The Court must now rule on this question.

### 7. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*

133. On 25 February 2014, the Republic of Costa Rica filed an Application instituting proceedings against the Republic of Nicaragua with regard to a "[d]ispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean".

134. In its Application, Costa Rica requests the Court "to determine the complete course of a single maritime boundary between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Caribbean Sea and in the Pacific Ocean, on the basis of international law". It "further requests the Court to determine the precise geographical co-ordinates of the single maritime boundaries in the Caribbean Sea and in the Pacific Ocean".

135. Costa Rica explains that "[t]he coasts of the two States generate overlapping entitlements to maritime areas in both the Caribbean Sea and the Pacific Ocean" and that "[t]here has been no maritime delimitation between the two States [in either body of water]".

136. The Applicant states that "[d]iplomatic negotiations have failed to establish by agreement the maritime boundaries between Costa Rica and Nicaragua in the Pacific Ocean and the Caribbean Sea", referring to various failed attempts to settle this issue by means of negotiations between 2002 and 2005, and in 2013. It further maintains that the two States "have exhausted diplomatic means to resolve their maritime boundary disputes".

137. According to the Applicant, during negotiations, Costa Rica and Nicaragua "presented different proposals for a single maritime boundary in the Pacific Ocean to divide their respective territorial seas, exclusive economic zones and continental shelves" and "[t]he divergence between the ... proposals demonstrated that there is an overlap of claims in the Pacific Ocean".

138. With respect to the Caribbean Sea, Costa Rica maintains that in negotiations, both States "focused on the location of the initial land boundary marker on the Caribbean side, but ... were unable to reach agreement on the starting point of the maritime boundary".

139. In the view of the Applicant:

> "[the existence of a dispute] between the two States as to the maritime boundary in the Caribbean Sea has been affirmed ..., in particular by the views and positions expressed by both States during Costa Rica's request to intervene in *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*; in exchanges of correspondence following Nicaragua's submissions to the

Commission on the Limits of the Continental Shelf; by Nicaragua's publication of oil exploration and exploitation material; and by Nicaragua's issuance of a decree declaring straight baselines in 2013".

140. According to Costa Rica, in that decree, "Nicaragua claims as internal waters areas of Costa Rica's territorial sea and exclusive economic zone in the Caribbean Sea". The Applicant adds that it "promptly protested this violation of its sovereignty, sovereign rights and jurisdiction in a letter to the United Nations Secretary-General dated 23 October 2013".

141. Costa Rica claims that, in March 2013, it once again invited Nicaragua to resolve these disputes through negotiations, but that Nicaragua, while formally accepting this invitation, "took no further action to restart the negotiation process it had unilaterally abandoned in 2005".

142. As basis for the jurisdiction of the Court, Costa Rica invokes the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973 under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction.

143. In addition, Costa Rica submits that the Court has jurisdiction in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of Article XXXI of the Pact of Bogota.

144. By an Order dated 1 April 2014, the Court fixed 3 February 2015 and 8 December 2015 as the respective time limits for the filing of a Memorial by Costa Rica and a Counter-Memorial by Nicaragua. Those pleadings were filed within the time limits thus fixed.

145. By an Order of 31 May 2016, the Court decided to obtain an expert opinion regarding the state of a portion of the Caribbean coast near the border between Costa Rica and Nicaragua. In its Order, the Court explained that there are certain factual matters relating to the state of the coast that may be relevant for the purpose of settling the dispute submitted to it, and that, with regard to such matters, it would benefit from an expert opinion.

146. By an Order of 16 June 2016, in accordance with the Order of 31 May 2016, the President of the Court appointed the two individuals tasked with preparing the expert opinion.

147. Those experts conducted two site visits, the first from 5 to 9 November 2016 and the second from 13 to 17 March 2017 (see paras. 23 to 26 above).

148. By an Order dated 2 February 2017, the Court joined the proceedings in the cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)* (see para. 242 below).

149. Public hearings were held on the merits in the two joined cases from 3 to 13 July 2017.

150. At the end of the hearings, the parties presented the following final submissions to the Court in relation to the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*:

*For Costa Rica*:

"[F]or the reasons set out in the written and oral pleadings, Costa Rica ... requests the Court, rejecting all submissions made by Nicaragua:

1. to determine, on the basis of international law, the complete course of single maritime boundaries between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Pacific Ocean and in the Caribbean Sea;

2. to determine the precise geographical co-ordinates of the single maritime boundaries in the Pacific Ocean and in the Caribbean Sea, and in particular:

(a) to delimit the maritime areas of Costa Rica and Nicaragua in the Pacific Ocean by a boundary connecting with geodetic lines the points with the following co-ordinates:

| *Point number* | *Latitude (DMS)(WGS-84)* | *Longitude (DMS)(WGS-84)* |
|---|---|---|
| SP-P (Starting-Point — Pacific) | 11° 04' 00.0" N | 85° 44' 28.0" W |
| 1 | 11° 03' 57.6" N | 85° 45' 30.3" W |
| 2 | 11° 03' 57.7" N | 85° 45' 35.9" W |
| 3 | 11° 03' 47.2" N | 85° 46' 31.7" W |
| 4 | 11° 03' 53.8" N | 85° 47' 13.4" W |
| 5 | 11° 03' 24.2" N | 85° 49' 43.5" W |
| 6 | 11° 03' 17.9" N | 85° 50' 05.1" W |
| 7 | 11° 02' 45.0" N | 85° 51' 25.2" W |
| 8 | 11° 03' 11.6" N | 85° 52' 42.8" W |
| 9 | 11° 04' 26.8" N | 85° 55' 28.3" W |
| 10 | 11° 05' 13.7" N | 85° 57' 21.2" W |
| 11 | 11° 05' 51.6" N | 86° 00' 48.1" W |
| 12 | 11° 05' 54.2" N | 86° 04' 31.5" W |
| 13 | 11° 06' 22.0" N | 86° 07' 00.4" W |
| 14 | 11° 05' 45.4" N | 86° 13' 10.2" W |
| 15 | 11° 05' 43.7" N | 86° 13' 28.7" W |
| 16 | 11° 05' 30.9" N | 86° 15' 09.8" W |
| 17 | 11° 04' 22.2" N | 86° 21' 43.8" W |
| 18 | 11° 03' 32.6" N | 86° 25' 21.2" W |
| 19 | 10° 56' 56.3" N | 86° 44' 27.0" W |
| 20 | 10° 54' 22.7" N | 86° 49' 39.5" W |
| 21 | 10° 36' 50.6" N | 87° 22' 47.6" W |

| *Point number* | *Latitude (DMS)(WGS-84)* | *Longitude (DMS)(WGS-84)* |
|---|---|---|
| 22 | 10° 21' 23.2" N | 87° 47' 15.3" W |
| 23 (intersection with 200-M limit) | 09° 43' 05.7" N | 89° 11' 23.5" W |

(b) to delimit the maritime areas of Costa Rica and Nicaragua in the Caribbean Sea by a boundary connecting with geodetic lines the points with the following co-ordinates:

| *Point number* | *Latitude (DMS)(WGS-84)* | *Longitude (DMS)(WGS-84)* |
|---|---|---|
| SP-C (Starting-Point — Caribbean) | 10° 56' 22.1" N | 83° 41' 51.4" W |
| 1 | 10° 56' 54.0" N | 83° 42' 03.7" W |
| 2 | 10° 57' 16.6" N | 83° 41' 58.4" W |
| 3 | 11° 02' 12.6" N | 83° 40' 27.1" W |
| 4 | 11° 02' 54.7" N | 83° 40' 01.0" W |
| 5 | 11° 03' 04.8" N | 83° 39' 54.1" W |
| 6 | 11° 03' 46.1" N | 83° 39' 29.6" W |
| 7 | 11° 03' 47.4" N | 83° 39' 28.7" W |
| 8 | 11° 05' 35.2" N | 83° 38' 14.0" W |
| 9 | 11° 07' 47.2" N | 83° 36' 33.2" W |
| 10 | 11° 10' 16.0" N | 83° 34' 13.2" W |
| 11 | 11° 10' 39.2" N | 83° 33' 47.3" W |
| 12 | 11° 13' 42.6" N | 83° 30' 33.9" W |
| 13 | 11° 15' 02.0" N | 83° 28' 53.6" W |
| 14 (intersection with Costa Rica's 200-M limit) | 12° 19' 15.9" N | 80° 33' 59.2" W |

(c) as a subsidiary submission to paragraph (b) above, to delimit the maritime areas of Costa Rica and Nicaragua in the Caribbean Sea by a boundary:

(i) connecting, using a geodetic line, the point 3 nautical miles from the parties' respective coasts (Point FP1, having co-ordinates 10° 59' 22.7" N, 83° 41' 19.0" W), with Point 3 in paragraph (b) above;

(ii) thereafter, connecting, with geodetic lines Points 3 to 14 in paragraph (b) above;

(iii) in the initial sector, connecting, using a geodetic line, Point FP1 and the point constituting the low-water mark on the right bank of the San Juan River at its mouth, as it may exist from time to time."

*For Nicaragua*:

"[F]or the reasons explained in the Written and Oral phase, Nicaragua ... requests from the Court to:

1. Dismiss and reject the requests and submissions of the Republic of Costa Rica.

2. Determine, on the basis of international law, the complete course of the maritime boundaries between all the maritime areas appertaining, respectively, to Nicaragua and Costa Rica in the Pacific Ocean and in the Caribbean Sea:

(a) In the Pacific Ocean, the maritime boundary between the Republic of Nicaragua and the Republic of Costa Rica starts at a point with co-ordinates 11° 03' 56.3" N, 85° 44' 28.3" W and follows geodetic lines connecting the points with co-ordinates:

| *Points* | *Latitude* | *Longitude* |
|---|---|---|
| P-1 | 11° 03' 57.6" N | 85° 45' 27.0" W |
| P-2 | 11° 03' 57.8" N | 85° 45' 36.8" W |
| P-3 | 11° 03' 47.6" N | 85° 46' 34.0" W |
| P-4 | 11° 03' 54" N | 85° 47' 13.2" W |
| P-5 | 11° 03' 25" N | 85° 49' 42.4" W |
| P-6 | 11° 03' 17.7" N | 85° 50' 06.3" W |
| P-7 | 11° 02' 44.8" N | 85° 51' 25.2" W |
| P-8 (12 nm) | 10° 54' 51.7" N | 86° 10' 14.6" W |
| P-9 | 10° 50' 59.1" N | 86° 21' 37.6" W |
| P-10 | 10° 41' 24.4" N | 86° 38' 0.8" W |
| P-11 | 10° 19' 28.3" N | 87° 11' 0.7" W |
| P-12 | 9° 53' 9.0" N | 87° 47' 48.8" W |
| P-13 (200 NM) | 9° 16' 27.5" N | 88° 46' 10.9" W |

(b) In the Caribbean Sea, the maritime boundary between the Republic of Nicaragua and the Republic of Costa Rica starts at Point CA with co-ordinates 10° 56' 18.898" N, 83° 39' 52.536" W and follows geodetic lines connecting the points with co-ordinates:

| *Points* | *Latitude* | *Longitude* |
|---|---|---|
| C-1 | 10° 59' 21.3" N | 83° 31' 6.9" W |
| C-1a (12 nm) | 11° 00' 18.9" N | 83° 27' 38.00" W |
| C-2 | 11° 01' 9.9" N | 83° 24' 26.9" W |
| C-3 | 11° 05' 33.7" N | 83° 03' 59.2" W |
| C-4 | 11° 11' 8.4" N | 82° 34' 41.8" W |

| *Points* | *Latitude* | *Longitude* |
|---|---|---|
| C-5 | 11° 05' 0.7" N | 82° 18' 52.3" W |
| C-6 | 11° 05' 5.2" N | 82° 14' 0.0" W |
| C-7 | 10° 49' 0.0" N | 82° 14' 0.0" W |
| C-8 | 10° 49' 0.0" N | 81° 26' 8.2" W |

The maritime boundary between Point CA and the land is a geodetic line connecting Point CA and the eastern headland of Harbor Head Lagoon (presently located at Court experts' Point Ple).

(All co-ordinates are referred to WGS84 datum.)"

151. The Court has begun its deliberations. It will deliver its decision at a public sitting, the date of which will be announced in due course.

**8.** ***Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)***

152. On 24 April 2014, the Republic of the Marshall Islands filed an Application instituting proceedings against the Republic of India, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

153. Although India has not ratified the Treaty on Non-Proliferation of Nuclear Weapons ("NPT"), the Marshall Islands, which for its part acceded to that Treaty as a Party on 30 January 1995, asserted that "[t]he obligations enshrined in Article VI of the NPT are not merely treaty obligations; they also exist separately under customary international law" and apply to all States as a matter of customary international law. The Applicant contended that "by engaging in conduct that directly conflicts with the obligations of nuclear disarmament and cessation of the nuclear arms race at an early date, [India] has breached and continues to breach its legal duty to perform its obligations under customary international law in good faith".

154. The Applicant further requested the Court to order the Respondent to take all steps necessary to comply with the said obligations within one year of the Judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

155. In support of its Application against India, the Applicant invoked as basis for the Court's jurisdiction Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by India on 18 September 1974.

156. By a letter dated 6 June 2014, India indicated, inter alia, that it "consider[ed] that the International Court of Justice does not have jurisdiction in the alleged dispute".

157. By an Order of 16 June 2014, the Court decided that the written pleadings would first be addressed to the question of the Court's jurisdiction and fixed 16 December 2014 and 16 June 2015 as the respective time limits for the filing of the Memorial of the Marshall Islands and the Counter-Memorial of India on that

question. The Memorial of the Marshall Islands was filed within the time limit thus fixed.

158. By a letter dated 5 May 2015, India requested a three month extension, beyond 16 June 2015, of the time limit for the filing of its Counter-Memorial on the question of jurisdiction. On receipt of that letter, the Registrar transmitted a copy thereof to the Marshall Islands. By a letter dated 8 May 2015, the Marshall Islands informed the Court that it had no objection to the granting of India's request.

159. By an Order dated 19 May 2015, the Court extended from 16 June 2015 to 16 September 2015 the time limit for the filing of the Counter-Memorial of India. That pleading was filed within the time limit thus extended.

160. The public hearings on the questions of the Court's jurisdiction and the admissibility of the Application were held between Monday 7 and Wednesday 16 March 2016.

161. At the end of the hearings, the Agents of the parties presented the following submissions to the Court:

*For the Republic of the Marshall Islands*:

"The Marshall Islands respectfully requests the Court:

(a) to reject the objections to its jurisdiction of the Marshall Islands' claims, as submitted by the Republic of India in its Counter-Memorial of 16 September 2015;

(b) to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014."

*For the Republic of India*:

"The Republic of India respectfully urges the Court to adjudge and declare that:

(a) it lacks jurisdiction over the claims brought against India by the Marshall Islands in its Application dated 24 April 2014;

(b) the claims brought against India by the Marshall Islands are inadmissible."

162. On 5 October 2016, the Court delivered its Judgment on the objections to jurisdiction and to the admissibility of the Application, the operative clause of which reads as follows:

"For these reasons,

THE COURT

(1) By nine votes to seven,

*Upholds* the objection to jurisdiction raised by India, based on the absence of a dispute between the parties;

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Greenwood, Xue, Donoghue, Gaja, Bhandari, Gevorgian;

AGAINST: Judges Tomka, Bennouna, Cançado Trindade, Sebutinde, Robinson, Crawford; Judge ad hoc Bedjaoui;

(2) By ten votes to six,

*Finds* that it cannot proceed to the merits of the case.

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Greenwood, Xue, Donoghue, Gaja, Bhandari, Gevorgian;

AGAINST: *Judges* Bennouna, Cançado Trindade, Sebutinde, Robinson, Crawford; *Judge* ad hoc Bedjaoui."

163. The case has been removed from the Court's List.

### 9. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. Pakistan)*

164. On 24 April 2014, the Republic of the Marshall Islands filed an Application instituting proceedings against the Islamic Republic of Pakistan, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

165. Although Pakistan has not ratified the Treaty on Non-Proliferation of Nuclear Weapons ("NPT"), the Marshall Islands, which for its part acceded to that Treaty as a Party on 30 January 1995, asserted that "[t]he obligations enshrined in Article VI of the NPT are not merely treaty obligations; they also exist separately under customary international law" and apply to all States as a matter of customary international law. The Applicant contended that "by engaging in conduct that directly conflicts with the obligations of nuclear disarmament and cessation of the nuclear arms race at an early date, [Pakistan] has breached and continues to breach its legal duty to perform its obligations under customary international law in good faith".

166. The Applicant further requested the Court to order the Respondent to take all steps necessary to comply with the said obligations within one year of the Judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

167. In support of its Application against Pakistan, the Applicant invoked as basis for the Court's jurisdiction Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by Pakistan on 13 September 1960.

168. By a Note Verbale dated 9 July 2014, Pakistan indicated, inter alia, that it was "of the considered opinion that the ICJ lack[ed] jurisdiction" and that it "consider[ed] the said Application inadmissible".

169. By an Order of 10 July 2014, the President of the Court decided that the written pleadings would first be addressed to the question of the Court's jurisdiction and the admissibility of the Application, and fixed 12 January 2015 and 17 July 2015 as the respective time limits for the filing of a Memorial by the Marshall Islands and a Counter-Memorial by Pakistan. The Memorial of the Marshall Islands was filed within the time limit thus fixed.

170. By a note verbale dated 2 July 2015, the Government of Pakistan requested a six-month extension of the time limit for the filing of its Counter-Memorial. On receipt of that note verbale, the Registrar transmitted a copy thereof to the Marshall Islands. By a letter dated 8 July 2015, the Government of the Marshall Islands informed the Court that, for the reasons given in that letter, it "would be comfortable with the Court's expanding the initial six-month time limit [for the filing of the Counter-Memorial of Pakistan] to nine months in total, counting from the [date of the filing of the Marshall Islands'] Memorial".

171. By an Order dated 9 July 2015, the President of the Court extended from 17 July 2015 to 1 December 2015 the time limit for the filing of the Counter-Memorial of Pakistan on the questions of the jurisdiction of the Court and the admissibility of the Application. The Counter-Memorial of Pakistan was filed within the time limit thus extended.

172. The public hearings on the questions of the Court's jurisdiction and the admissibility of the Application were held on Tuesday 8 March 2016.

173. Prior to the commencement of the oral proceedings, the Government of Pakistan, which had duly taken part in the written proceedings, informed the Court that it would not participate in the hearings, because, in particular, it "[did] not feel that [such] participation [would] add anything to what ha[d] already been submitted through its Counter-Memorial". The hearings were thus limited to the presentation by the Government of the Marshall Islands of its arguments. No second round of oral argument was held.

174. At the end of the hearings, the Republic of the Marshall Islands presented the following submissions to the Court:

"The Marshall Islands respectfully requests the Court:

(a) to reject the objections to its jurisdiction and to the admissibility of the Marshall Islands' claims, as submitted by Pakistan in its Counter-Memorial of 1 December 2015;

(b) to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014; and

(c) to adjudge and declare that the Marshall Islands' claims are admissible."

175. On 5 October 2016, the Court delivered its Judgment on the objections to jurisdiction and the admissibility of the Application, the operative clause of which reads as follows:

"For these reasons,

THE COURT

(1) By nine votes to seven,

*Upholds* the objection to jurisdiction raised by Pakistan, based on the absence of a dispute between the parties;

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Greenwood, Xue, Donoghue, Gaja, Bhandari, Gevorgian;

AGAINST: Judges Tomka, Bennouna, Cançado Trindade, Sebutinde, Robinson, Crawford; Judge ad hoc Bedjaoui;

(2) By ten votes to six,

*Finds* that it cannot proceed to the merits of the case.

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Tomka, Greenwood, Xue, Donoghue, Gaja, Bhandari, Gevorgian;

AGAINST: Judges Bennouna, Cançado Trindade, Sebutinde, Robinson, Crawford; Judge ad hoc Bedjaoui.

176. The case has been removed from the Court's List.

**10.** ***Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom)***

177. On 24 April 2014, the Republic of the Marshall Islands filed an Application instituting proceedings against the United Kingdom of Great Britain and Northern Ireland, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

178. The Marshall Islands invoked breaches by the United Kingdom of Article VI of the Treaty on Non-Proliferation of Nuclear Weapons ("NPT"), which provides that "[e]ach of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." The Marshall Islands contended that, "by not actively pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and instead engaging in conduct that directly conflict with those legally binding commitments, the Respondent has breached and continues to breach its legal duty to perform its obligations under the NPT and customary international law in good faith".

179. In addition, the Applicant requested the Court to order the United Kingdom to take all steps necessary to comply with its obligations under Article VI of the NPT and under customary international law within one year of the Judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

180. In support of its Application against the United Kingdom, the Applicant invoked as basis for the Court's jurisdiction Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by the United Kingdom on 5 July 2004.

181. By an Order of 16 June 2014, the Court fixed 16 March 2015 and 16 December 2015 as the respective time limits for the filing of a Memorial by the Marshall Islands and a Counter-Memorial by the United Kingdom. The Memorial of the Marshall Islands was filed within the time limit thus fixed.

182. On 15 June 2015, the United Kingdom, referring to Article 79, paragraph 1, of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court and the admissibility of the Application. In accordance with paragraph 5 of the same Article, the proceedings on the merits were therefore suspended. Pursuant to that paragraph, and taking account of Practice Direction V, the President, by an Order dated 19 June 2015, fixed 15 October 2015 as the time limit within which the Marshall Islands might present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom of Great Britain and Northern Ireland. The written statement of the Marshall Islands was filed within the time limit thus fixed.

183. The public hearings on the preliminary objections raised by the United Kingdom were held between Wednesday 9 and Wednesday 16 March 2016.

184. At the end of the hearings, the Agents of the parties presented the following submissions to the Court:

*For the United Kingdom*:

"The United Kingdom requests the Court to adjudge and declare that:

– it lacks jurisdiction over the claim brought against the United Kingdom by the Marshall Islands and/or

– the claim brought against the United Kingdom by the Marshall Islands is inadmissible."

*For the Republic of the Marshall Islands*:

"The Marshall Islands respectfully requests the Court:

(a) to reject the preliminary objections to its jurisdiction and to the admissibility of the Marshall Islands' claims, as submitted by the United Kingdom of Great Britain and Northern Ireland in its Preliminary Objections of 15 June 2015;

(b) to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014; and

(c) to adjudge and declare that the Marshall Islands' claims are admissible."

185. On 5 October 2016, the Court delivered its Judgment on the preliminary objections, the operative clause of which reads as follows:

"For these reasons,

THE COURT

(1) By eight votes to eight, by the President's casting vote,

*Upholds* the first preliminary objection to jurisdiction raised by the United Kingdom of Great Britain and Northern Ireland, based on the absence of a dispute between the parties;

IN FAVOUR: President Abraham; Judges Owada, Greenwood, Xue, Donoghue, Gaja, Bhandari, Gevorgian;

AGAINST: Vice-President Yusuf; Judges Tomka, Bennouna, Cançado Trindade, Sebutinde, Robinson, Crawford; Judge ad hoc Bedjaoui;

(2) By nine votes to seven,

*Finds* that it cannot proceed to the merits of the case.

IN FAVOUR: President Abraham; Judges Owada, Tomka, Greenwood, Xue, Donoghue, Gaja, Bhandari, Gevorgian;

AGAINST: Vice-President Yusuf; Judges Bennouna, Cançado Trindade, Sebutinde, Robinson, Crawford; Judge ad hoc Bedjaoui.

186. The case has been removed from the Court's List.

### 11. *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*

187. On 28 August 2014, the Federal Republic of Somalia filed an Application instituting proceedings against the Republic of Kenya with regard to a dispute concerning the delimitation of maritime spaces claimed by both States in the Indian Ocean.

188. In its Application, Somalia contends that both States "disagree about the location of the maritime boundary in the area where their maritime entitlements overlap", and asserts that "[d]iplomatic negotiations, in which their respective views have been fully exchanged, have failed to resolve this disagreement".

189. In consequence, Somalia requests the Court "to determine, on the basis of international law, the complete course of the single maritime boundary dividing all

the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 [nautical miles]". The Applicant further asks the Court "to determine the precise geographical co-ordinates of the single maritime boundary in the Indian Ocean".

190. In the view of the Applicant, the maritime boundary between the parties in the territorial sea, exclusive economic zone (EEZ) and continental shelf should be established in accordance with, respectively, Articles 15, 74 and 83 of the United Nations Convention on the Law of the Sea (UNCLOS). Somalia explains that, accordingly, the boundary line in the territorial sea "should be a median line as specified in Article 15, since there are no special circumstances that would justify departure from such a line" and that, in the EEZ and continental shelf, the boundary "should be established according to the three-step process the Court has consistently employed in its application of Articles 74 and 83".

191. The Applicant asserts that "Kenya's current position on the maritime boundary is that it should be a straight line emanating from the parties' land boundary terminus, and extending due east along the parallel of latitude on which the land boundary terminus sits, through the full extent of the territorial sea, EEZ and continental shelf, including the continental shelf beyond 200 [nautical miles]".

192. Somalia finally indicates that it "reserves its rights to supplement or amend [its] Application".

193. As basis for the Court's jurisdiction, the Applicant invokes the provisions of Article 36, paragraph 2, of the Court's Statute, and refers to the declarations recognizing the Court's jurisdiction as compulsory made under those provisions by Somalia on 11 April 1963 and by Kenya on 19 April 1965.

194. In addition, Somalia submits that "the jurisdiction of the Court under Article 36, paragraph 2, of its Statute is underscored by Article 282 of UNCLOS", which Somalia and Kenya both ratified in 1989.

195. By an Order of 16 October 2014, the President of the Court fixed 13 July 2015 and 27 May 2016 as the respective time limits for the filing of a Memorial by Somalia and a Counter-Memorial by Kenya. The Memorial of Somalia was filed within the time limit thus fixed.

196. On 7 October 2015, Kenya raised certain preliminary objections to the jurisdiction of the Court and the admissibility of the Application. In accordance with Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were suspended.

197. By an Order of 9 October 2015, the Court fixed 5 February 2016 as the time limit within which Somalia might present a written statement of its observations and submissions on the preliminary objections raised by Kenya. The written statement of Somalia was filed within the time limit thus fixed.

198. The public hearings on the preliminary objections raised by Kenya were held between Monday 19 and Friday 23 September 2016.

199. At the end of the hearings, the Agents of the parties presented the following submissions to the Court:

*For Kenya*:

"The Republic of Kenya respectfully requests the Court to adjudge and declare that:

The case brought by Somalia against Kenya is not within the jurisdiction of the Court and is inadmissible, and is accordingly dismissed."

*For Somalia*:

"On the basis of the Written Statement of 5 February 2016, and its oral pleadings, Somalia respectfully requests the Court:

(1) To reject the Preliminary Objections raised by the Republic of Kenya; and

(2) To find that it has jurisdiction to entertain the Application filed by the Federal Republic of Somalia."

200. On 2 February 2017, the Court delivered its Judgment on the preliminary objections, the operative clause of which reads as follows:

"For these reasons,

THE COURT

(1) (a) by thirteen votes to three,

*Rejects* the first preliminary objection raised by the Republic of Kenya in so far as it is based on the Memorandum of Understanding of 7 April 2009;

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Tomka, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Crawford, Gevorgian;

AGAINST: Judges Bennouna, Robinson; Judge ad hoc Guillaume;

(b) by fifteen votes to one,

*Rejects* the first preliminary objection raised by the Republic of Kenya in so far as it is based on Part XV of the United Nations Convention on the Law of the Sea;

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Crawford, Gevorgian; Judge ad hoc Guillaume;

AGAINST: Judge Robinson;

(2) by fifteen votes to one,

*Rejects* the second preliminary objection raised by the Republic of Kenya.

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Crawford, Gevorgian; Judge ad hoc Guillaume;

AGAINST: Judge Robinson;

(3) by thirteen votes to three,

*Finds* that it has jurisdiction to entertain the Application filed by the Federal Republic of Somalia on 28 August 2014 and that the Application is admissible.

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Tomka, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Crawford, Gevorgian;

AGAINST: Judges Bennouna, Robinson; Judge ad hoc Guillaume.

201. By an Order dated 2 February 2017, the Court fixed 18 December 2017 as the new time limit for the filing of the Counter-Memorial of Kenya.

12. ***Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)***

202. On 6 June 2016, the Republic of Chile filed an Application instituting proceedings against the Plurinational State of Bolivia with regard to a dispute concerning the status and use of the waters of the Silala.

203. In its Application, Chile argues that the Silala originates from groundwater springs in Bolivian territory "a few kilometres north-east of the Chile-Bolivia international boundary". It contends that the Silala then flows across the border into Chilean territory, where "[o]n Chilean territory, the river receives additional waters from various springs ... before it reaches the Inacaliri River". According to Chile, the total length of the Silala is about 8.5 km, of which approximately 3.8 km is on Bolivian territory, and 4.7 km on Chilean territory. Chile also states that, for more than a century, the waters of the Silala River have been used in Chile for different purposes, including the provision of water supply to the city of Antofagasta and the towns of Sierra Gorda and Baquedano.

204. Chile explains that "[t]he nature of the Silala River as an international watercourse was never disputed until Bolivia, for the first time in 1999, claimed its waters as exclusively Bolivian". Chile contends that it "has always been willing to engage in discussions with Bolivia concerning a regime of utilization of the waters of the Silala", but that these discussions were unsuccessful "due to Bolivia's insistence on denying that the Silala River is an international watercourse and Bolivia's contention that it has rights to the 100% use of its waters". According to Chile, the dispute between the two States therefore concerns the nature of the Silala as an international watercourse and the resulting rights and obligations of the parties under international law.

205. Chile thus requests the Court to adjudge and declare that:

"(a) the Silala River system, together with the subterranean portions of its system, is an international watercourse, the use of which is governed by customary international law;

(b) Chile is entitled to the equitable and reasonable use of the waters of the Silala River system in accordance with customary international law;

(c) Under the standard of equitable and reasonable utilization, Chile is entitled to its current use of the waters of the Silala River;

(d) Bolivia has an obligation to take all appropriate measures to prevent and control pollution and other forms of harm to Chile resulting from its activities in the vicinity of the Silala River;

(e) Bolivia has an obligation to cooperate and to provide Chile with timely notification of planned measures which may have an adverse effect on shared water resources, to exchange data and information and to conduct where appropriate an environmental impact assessment, in order to enable Chile to evaluate the possible effects of such planned measures, obligations that Bolivia has breached."

206. As basis for the jurisdiction of the Court, the Applicant invokes Article XXXI of the Pact of Bogota, to which both States are parties.

207. Chile reserves the right to supplement, modify or amplify its Application in the course of the proceedings.

208. It also reserves the right to "request the Court to indicate provisional measures, should the Plurinational State of Bolivia engage in any conduct that may

have an adverse effect on Chile's current utilization of the waters of the Silala River".

209. By an Order of 1 July 2016, the Court fixed 3 July 2017 and 3 July 2018 as the respective time limits for the filing of a Memorial by Chile and a Counter-Memorial by the Plurinational State of Bolivia. The Memorial of Chile was filed within the time limit thus fixed.

### 13. *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*

210. On 13 June 2016, the Republic of Equatorial Guinea filed an Application instituting proceedings against the French Republic with regard to a dispute concerning "the immunity from criminal jurisdiction of the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security [Mr. Teodoro Nguema Obiang Mangue], and the legal status of the building which houses the Embassy of Equatorial Guinea in France".

211. In its Application, Equatorial Guinea states that the case arises from the criminal proceedings instituted against Mr. Teodoro Nguema Obiang Mangue before French courts from 2007, pursuant to a number of complaints lodged by associations and private individuals against certain African Heads of State and members of their families, in respect of acts of "misappropriation of public funds in their country of origin, the proceeds of which have allegedly been invested in France". According to Equatorial Guinea, these proceedings "constitute a violation of the immunity to which [Mr. Teodoro Nguema Obiang Mangue] is entitled under international law". It considers that, in his capacity as Second Vice-President in charge of Defence and State Security, the individual concerned represents the State and acts on its behalf. According to Equatorial Guinea, throughout the proceedings in question, "the French courts have refused to give effect to the immunity from criminal jurisdiction to which the Second Vice-President is entitled". It states, inter alia, that an international arrest warrant for Mr. Teodoro Nguema Obiang Mangue was issued on 13 July 2012, that he was placed under judicial examination on 18 March 2014, and that on 23 May 2016 the Financial Prosecutor filed her final submissions "seeking separation of the complaints, and either their dismissal or their referral to the *Tribunal correctionnel*", in which she found that the individual concerned "enjoys no immunity that might bar prosecution". Equatorial Guinea notes that, consequently, as from 25 June 2016, the investigating judges could issue an order referring the case against Mr. Teodoro Nguema Obiang Mangue to the *Tribunal correctionnel* of Paris for hearing.

212. In its Application, Equatorial Guinea further states that the case pertains to the question of the legal status of a building located on avenue Foch in Paris. It asserts that Mr. Teodoro Nguema Obiang Mangue, the former owner of the premises, sold the building to the State of Equatorial Guinea in September 2011 and that since then the property has been assigned to the diplomatic mission of Equatorial Guinea. The Applicant therefore considers that this building should enjoy the immunities accorded to official premises by international law. It points out, however, that, taking the view that it had been financed out of proceeds from offences of which Mr. Teodoro Nguema Obiang Mangue is the suspected perpetrator, the French investigating judges ordered the seizure of the building in 2012, and that, in her submissions of 23 May 2016, the Prosecutor asserted that it was not "protected by immunity, since it did not form part of the diplomatic mission of the Republic of Equatorial Guinea in France".

213. Finally, Equatorial Guinea notes that "there have been multiple exchanges between [itself] and France regarding the immunity of the Second Vice-President in charge of Defence and State Security, and in respect of the legal status of the

[abovementioned] property", but that "all attempts [at settlement] initiated by Equatorial Guinea ... have failed".

214. Consequently, Equatorial Guinea requests the Court:

"(a) With regard to the French Republic's failure to respect the sovereignty of the Republic of Equatorial Guinea,

(i) to adjudge and declare that the French Republic has breached its obligations to respect the principles of the sovereign equality of States and non-interference in the internal affairs of another State, owed to the Republic of Equatorial Guinea in accordance with international law, by permitting its courts to initiate criminal legal proceedings against the Second Vice-President of Equatorial Guinea for alleged offences which, even if they were established, *quod non*, would fall solely within the jurisdiction of the courts of Equatorial Guinea, and by allowing its courts to order the attachment of a building belonging to the Republic of Equatorial Guinea and used for the purposes of that country's diplomatic mission in France;

(b) With regard to the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security,

(i) to adjudge and declare that, by initiating criminal proceedings against the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security, His Excellency Mr. Teodoro Nguema Obiang Mangue, the French Republic has acted and is continuing to act in violation of its obligations under international law, notably the United Nations Convention against Transnational Organized Crime and general international law;

(ii) to order the French Republic to take all necessary measures to put an end to any ongoing proceedings against the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security;

(iii) to order the French Republic to take all necessary measures to prevent further violations of the immunity of the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security and to ensure, in particular, that its courts do not initiate any criminal proceedings against the Second Vice-President of the Republic of Equatorial Guinea in the future;

(c) With regard to the building located at 42 avenue Foch in Paris,

(i) to adjudge and declare that, by attaching the building located at 42 avenue Foch in Paris, the property of the Republic of Equatorial Guinea and used for the purposes of that country's diplomatic mission in France, the French Republic is in breach of its obligations under international law, notably the Vienna Convention on Diplomatic Relations and the United Nations Convention, as well as general international law;

(ii) to order the French Republic to recognize the status of the building located at 42 avenue Foch in Paris as the property of the Republic of Equatorial Guinea, and as the premises of its diplomatic mission in Paris, and, accordingly, to ensure its protection as required by international law;

(d) In view of all the violations by the French Republic of international obligations owed to the Republic of Equatorial Guinea,

(i) to adjudge and declare that the responsibility of the French Republic is engaged on account of the harm that the violations of its international obligations have caused and are continuing to cause to the Republic of Equatorial Guinea;

(ii) to order the French Republic to make full reparation to the Republic of Equatorial Guinea for the harm suffered, the amount of which shall be determined at a later stage."

215. As basis for the Court's jurisdiction, the Applicant invokes two instruments to which both States are parties: first, the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes, of 18 April 1961; and, second, the United Nations Convention against Transnational Organized Crime of 15 November 2000.

216. Equatorial Guinea reserves the right to supplement or amend its Application.

217. By an Order of 1 July 2016, the Court fixed 3 January 2017 and 3 July 2017 as the respective time limits for the filing of a Memorial by Equatorial Guinea and a Counter-Memorial by France. The Memorial of Equatorial Guinea was filed within the time limit thus fixed.

218. On 29 September 2016, Equatorial Guinea submitted a Request for the indication of provisional measures, in which it asked the Court, "pending its judgment on the merits, to indicate the following provisional measures:

(a) that France suspend all the criminal proceedings brought against the Vice-President of the Republic of Equatorial Guinea, and refrain from launching new proceedings against him, which might aggravate or extend the dispute submitted to the Court;

(b) that France ensure that the building located at 42 avenue Foch in Paris is treated as premises of Equatorial Guinea's diplomatic mission in France and, in particular, assure its inviolability, and that those premises, together with their furnishings and other property thereon, or previously thereon, are protected from any intrusion or damage, any search, requisition, attachment or any other measure of constraint;

(c) that France refrain from taking any other measure that might cause prejudice to the rights claimed by Equatorial Guinea and/or aggravate or extend the dispute submitted to the Court, or compromise the implementation of any decision which the Court might render."

219. The Court held hearings on the request for the indication of provisional measures from Monday 17 October to Wednesday 19 October 2016.

220. At the end of the second round of oral observations, Equatorial Guinea confirmed the provisional measures it had asked the Court to indicate; the Agent of France, for his part, requested the Court: "(i) to remove the case from its List; (ii) or, failing that, to reject all the requests for provisional measures made by Equatorial Guinea".

221. On 7 December 2016, the Court rendered an Order, the operative clause of which reads as follows:

"For these reasons,

THE COURT,

I. Unanimously,

*Indicates* the following provisional measures:

France shall, pending a final decision in the case, take all measures at its disposal to ensure that the premises presented as housing the diplomatic mission of Equatorial Guinea at 42 avenue Foch in Paris enjoy treatment equivalent to that required by Article 22 of the Vienna Convention on Diplomatic Relations, in order to ensure their inviolability;

II. Unanimously,

*Rejects* the request of France to remove the case from the General List."

222. On 31 March 2017, France raised certain preliminary objections to the Court's jurisdiction. In accordance with Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended.

223. By an Order of 5 April 2017, the Court fixed 31 July 2017 as the time limit within which Equatorial Guinea might present a written statement of its observations and submissions on the preliminary objections raised by France. The written statement of Equatorial Guinea was filed within the time limit thus fixed.

### 14. *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*

224. On 14 June 2016, the Islamic Republic of Iran filed an Application instituting proceedings against the United States of America with regard to a dispute concerning "the adoption by the USA of a series of measures that, in violation of the Treaty of Amity, Economic Relations, and Consular Rights signed at Tehran on 15 August 1955 (the "Treaty of Amity"), ... have had and/or are having a serious adverse impact on the ability of Iran and of Iranian companies (including Iranian State-owned companies) to exercise their rights to control and enjoy their property, including property located outside the territory of Iran/within the territory of the USA".

225. The Applicant explains that the United States, having for many years taken "the position that Iran may be designated a State sponsoring terrorism (a designation which Iran strongly contests)", has adopted a number of legislative and executive acts that have the practical effect of subjecting the assets and interests of Iran and Iranian entities, including those of the Central Bank of Iran (also known as "Bank Markazi"), to enforcement proceedings, even where such assets or interests "are found to be held by separate juridical entities ... that are not party to the judgment on liability in respect of which enforcement is sought" and/or "are held by Iran or Iranian entities ... and benefit from immunities from enforcement proceedings as a matter of international law, and as required by the Treaty of Amity".

226. The Islamic Republic of Iran further argues that, as a consequence of these acts, "a wide series of claims have been determined, or are underway, against Iran and Iranian entities" and that United States courts "have repeatedly dismissed attempts by Bank Markazi to rely on the immunities to which such property is entitled" under United States law and the 1955 Treaty. It further maintains that "the assets of Iranian financial institutions and other Iranian companies have already been seized, or are in the process of being seized and transferred, or at risk of being seized and transferred, in a number of proceedings" and explains that, as of the date of its Application, United States courts "ha[ve] awarded total damages of over US$ 56 billion ... against Iran in respect of its alleged involvement in various terrorist acts mainly outside the USA".

227. The Applicant claims that the above-mentioned enactments and decisions "breach a number of provisions of the Treaty of Amity".

228. The Islamic State of Iran thus requests the Court to adjudge and declare:

"(a) That the Court has jurisdiction under the Treaty of Amity to entertain the dispute and to rule upon the claims submitted by Iran;

(b) That by its acts, including the acts referred to above and in particular its (a) failure to recognise the separate juridical status (including the separate legal personality) of all Iranian companies including Bank Markazi, and (b) unfair and discriminatory treatment of such entities, and their property, which impairs the legally acquired rights and interests of such entities including enforcement of their contractual rights, and (c) failure to accord to such entities and their property the most constant protection and security that is in no case less than that required by international law, (d) expropriation of the property of such entities, and (e) failure to accord to such entities freedom of access to the US courts, including the abrogation of the immunities to which Iran and Iranian State-owned companies, including Bank Markazi, and their property, are entitled under customary international law and as required by the Treaty of Amity, and (f) failure to respect the right of such entities to acquire and dispose of property, and (g) application of restrictions to such entities on the making of payments and other transfers of funds to or from the USA, and (h) interference with the freedom of commerce, the USA has breached its obligations to Iran, inter alia, under Articles III (1), III (2), IV (1), IV (2), V (1), VII (1) and X (1) of the Treaty of Amity;

(c) That the USA shall ensure that no steps shall be taken based on the executive, legislative and judicial acts (as referred to above) at issue in this case which are, to the extent determined by the Court, inconsistent with the obligations of the USA to Iran under the Treaty of Amity;

(d) That Iran and Iranian State-owned companies are entitled to immunity from the jurisdiction of the US courts and in respect of enforcement proceedings in the USA, and that such immunity must be respected by the USA (including US courts), to the extent established as a matter of customary international law and required by the Treaty of Amity;

(e) That the USA (including the US courts) is obliged to respect the juridical status (including the separate legal personality), and to ensure freedom of access to the US courts, of all Iranian companies, including State-owned companies such as Bank Markazi, and that no steps based on the executive, legislative and judicial acts (as referred to above), which involve or imply the recognition or enforcement of such acts shall be taken against the assets or interests of Iran or any Iranian entity or national;

(f) That the USA is under an obligation to make full reparations to Iran for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. Iran reserves the right to introduce and present to the Court in due course a precise evaluation of the reparations owed by the USA; and

(g) Any other remedy the Court may deem appropriate."

229. As basis for the jurisdiction of the Court, the Applicant invokes Article XXI, paragraph 2, of the 1955 Treaty, to which both the United States and the Islamic State of Iran are parties.

230. By an Order of 1 July 2016, the Court fixed 1 February 2017 and 1 September 2017 as the respective time limits for the filing of a Memorial by Iran and a Counter-Memorial by the United States. The Memorial was filed within the time limit thus fixed.

231. On 1 May 2017, the United States filed preliminary objections to the jurisdiction of the Court and the admissibility of the Application. In accordance with Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended.

232. By an Order of 2 May 2017, the President of the Court fixed 1 September 2017 as the time limit within which the Islamic State of Iran may present a written statement of its observations and submissions on the preliminary objections raised by the United States.

### 15. *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)*

233. On 16 January 2017, the Republic of Costa Rica filed an Application instituting proceedings against the Republic of Nicaragua relating to a "dispute concerning the precise definition of the boundary in the area of Los Portillos/Harbor Head Lagoon and the establishment of a new military camp by Nicaragua" on the beach of Isla Portillos.

234. In its Application, Costa Rica asks the Court

> "[t]o determine the precise location of the land boundary separating both ends of the Los Portillos/Harbor Head Lagoon sandbar from Isla Portillos, and in doing so to determine that the only Nicaraguan territory existing today in the area of Isla Portillos is limited to the enclave consisting of Los Portillos/Harbor Head Lagoon and the sandbar separating the Lagoon from the Caribbean Sea, insofar as this sandbar remains above water at all times and thus this enclave is capable of constituting territory appertaining to a State. Consequently, that the land boundary runs today from the northeastern corner of the Lagoon by the shortest line to the Caribbean Sea and from the northwestern corner of the Lagoon by the shortest line to the Caribbean Sea".

235. The Applicant also asks the Court

> "to adjudge and declare that, by establishing and maintaining a new military camp on the beach of Isla Portillos, Nicaragua has violated the sovereignty and territorial integrity of Costa Rica, and is in breach of the Judgment of the Court of 16 December 2015 in the *Certain Activities* [*carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*] case". Consequently, Costa Rica requests the Court "to declare that Nicaragua must withdraw its military camp situated in Costa Rican territory and fully comply with the Court's 2015 Judgment".

Costa Rica states that it "reserves its rights to seek any further remedies with respect to any damage that Nicaragua has or may cause to its territory."

236. The Applicant states that it has written to Nicaragua several times to protest the establishment of this camp, but that, in a response of 17 November 2016, Nicaragua "not only refused to move its camp, but it also made a new claim of sovereignty over 'the entire stretch of coast abutting the Caribbean Sea between Harbor Head and the river's mouth'". According to Costa Rica, "[t]hat claim is radically inconsistent with the Court's Judgment of 16 December 2015, where it was declared — and is now a matter of *res judicata* — that the 'disputed territory' ... is Costa Rican territory". Costa Rica adds that "[g]iven the factual and legal positions adopted by Nicaragua, the futility of further negotiations is apparent".

237. Costa Rica also asked the Court to join, pursuant to Article 47 of the Rules of Court, the new proceedings with those concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*.

238. As basis for the jurisdiction of the Court, Costa Rica relies on the declaration it made on 20 February 1973 under Article 36, paragraph 2, of the Statute, and on the declaration made by Nicaragua on 24 September 1929 under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction for the period which it still has to run.

239. In addition, Costa Rica submits that the Court has jurisdiction "in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of the American Treaty on Pacific Settlement of Disputes ... Article XXXI".

240. Finally, Costa Rica states that it "reserves its rights to supplement or amend [its] Application".

241. By an Order of 2 February 2017, the Court fixed 2 March 2017 and 18 April 2017 as the respective time limits for the filing of a Memorial by Costa Rica and a Counter-Memorial by Nicaragua. Those pleadings were filed within the time limits thus fixed.

242. By the same Order, the Court joined the proceedings in the cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* (see para. 148 above) and the *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)*.

243. Public hearings on the merits in the joined cases were held from Monday 3 to Thursday 13 July 2017 (see also paras. 149 to 150 above).

244. At the end of the hearings, the parties presented the following submissions to the Court in relation to the case concerning *Land Boundary in the Northern Part of Isla Portillos (Costa Rica* v. *Nicaragua)*:

*For Costa Rica*:

"[F]or the reasons set out in the written and oral pleadings, Costa Rica ... requests the Court:

1. a) to adjudge and declare that Nicaragua's submission that the stretch of coast abutting the Caribbean Sea which lies between the Harbor Head Lagoon and the mouth of the San Juan River constitutes Nicaraguan territory is inadmissible, on the basis that the issue has already been settled by the Judgment of the Court dated 16 December 2015 in the *Certain Activities* case;

   b) to reject all other submissions made by Nicaragua.

2. a) to determine the precise location of the land boundary separating both ends of the Los Portillos/Harbor Head Lagoon sandbar from Isla Portillos, and in doing so to determine that the only Nicaraguan territory existing today in the area of Isla Portillos is limited to the enclave consisting of Los Portillos/Harbor Head Lagoon and the sandbar separating the lagoon from the Caribbean Sea, in so far as this sandbar remains above water at all times and thus this enclave is capable of constituting territory appertaining to a State. Consequently, that the land boundary runs today from the north-eastern corner of the lagoon by the shortest line to the Caribbean Sea and from the north-western corner of the lagoon by the shortest line to the Caribbean Sea;

   b) to adjudge and declare that, by establishing and maintaining a new military camp on the beach of Isla Portillos, Nicaragua has violated the sovereignty and territorial integrity of Costa Rica, and is in breach of the

Judgment of the Court of 16 December 2015 in the *Certain Activities* case. Consequently, Costa Rica further requests the Court to declare that Nicaragua must withdraw its military camp situated in Costa Rican territory and fully comply with the Court's 2015 Judgment."

*For Nicaragua*:

"[F]or the reasons explained in the Written and Oral phase, Nicaragua ... requests the Court to:

1. Adjudge and declare that:

a) the stretch of coast abutting the Caribbean Sea which lies between the Harbor Head Lagoon and the mouth of the San Juan River constitutes Nicaraguan territory;

b) the military camp set up by Nicaragua is located on Nicaraguan territory; and consequently;

c) the requests and submissions of the Republic of Costa Rica are rejected in their entirety."

245. The Court has begun its deliberations. It will deliver its decision at a public sitting, the date of which will be announced in due course.

### 16. *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*

246. On 16 January 2017, Ukraine filed an Application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

247. Ukraine asserts in particular that, since 2014, the Russian Federation has "interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine's citizens, including, for all too many, their right to life". Ukraine claims that in eastern Ukraine, the Russian Federation has instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considers that, by its actions, the Russian Federation is flouting fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism (the "Terrorism Financing Convention").

248. In its Application, Ukraine further claims that, in the Autonomous Republic of Crimea and City of Sevastopol, the Russian Federation "brazenly defied the U.N. Charter, seizing a part of Ukraine's sovereign territory by military force". It claims that, "[i]n an attempt to legitimize its act of aggression, the Russian Federation engineered an illegal 'referendum', which it rushed to implement amid a climate of violence and intimidation against non-Russian ethnic groups". According to Ukraine, this "deliberate campaign of cultural erasure, beginning with the invasion and referendum and continuing to this day, violates the International Convention on the Elimination of All Forms of Racial Discrimination ('CERD')".

249. As regards the Terrorism Financing Convention, Ukraine requests the Court

"to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and

control, has violated its obligations under the Terrorism Financing Convention by:

(a) Supplying funds, including in-kind contributions of weapons and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals, in violation of Article 18;

(b) Failing to take appropriate measures to detect, freeze, and seize funds used to assist illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals, in violation of Articles 8 and 18;

(c) Failing to investigate, prosecute, or extradite perpetrators of the financing of terrorism found within its territory, in violation of Articles 9, 10, 11, and 18;

(d) Failing to provide Ukraine with the greatest measure of assistance in connection with criminal investigations of the financing of terrorism, in violation of Articles 12 and 18; and

(e) Failing to take all practicable measures to prevent and counter acts of financing of terrorism committed by Russian public and private actors, in violation of Article 18."

Ukraine also requests the Court "to adjudge and declare that the Russian Federation bears international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism under the Convention, for the acts of terrorism committed by its proxies in Ukraine, including:

(a) The shoot-down of Malaysian Airlines Flight MH17;

(b) The shelling of civilians, including in Volnovakha, Mariupol, and Kramatorsk; and

(c) The bombing of civilians, including in Kharkiv."

Ukraine requests the Court "to order the Russian Federation to comply with its obligations under the Terrorism Financing Convention, including that the Russian Federation:

(a) Immediately and unconditionally cease and desist from all support, including the provision of money, weapons, and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals;

(b) Immediately make all efforts to ensure that all weaponry provided to such armed groups is withdrawn from Ukraine;

(c) Immediately exercise appropriate control over its border to prevent further acts of financing of terrorism, including the supply of weapons, from the territory of the Russian Federation to the territory of Ukraine;

(d) Immediately stop the movement of money, weapons, and all other assets from the territory of the Russian Federation and occupied Crimea to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals, including by freezing all bank accounts used to support such groups;

(e) Immediately prevent all Russian officials from financing terrorism in Ukraine, including Sergei Shoigu, Minister of Defense of the Russian Federation; Vladimir Zhirinovsky, Vice-Chairman of the State Duma; Sergei Mironov, member of the State Duma; and Gennadiy Zyuganov, member of the State Duma, and initiate prosecution against these and other actors responsible for financing terrorism;

(f) Immediately provide full cooperation to Ukraine in all pending and future requests for assistance in the investigation and interdiction of the financing of terrorism relating to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals;

(g) Make full reparation for the shoot-down of Malaysian Airlines Flight MH17;

(h) Make full reparation for the shelling of civilians in Volnovakha;

(i) Make full reparation for the shelling of civilians in Mariupol;

(j) Make full reparation for the shelling of civilians in Kramatorsk;

(k) Make full reparation for the bombing of civilians in Kharkiv; and

(l) Make full reparation for all other acts of terrorism the Russian Federation has caused, facilitated, or supported through its financing of terrorism, and failure to prevent and investigate the financing of terrorism."

250. As regards the CERD, Ukraine requests the Court

"to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, including the *de facto* authorities administering the illegal Russian occupation of Crimea, and through other agents acting on its instructions or under its direction and control, has violated its obligations under the CERD by:

(a) Systematically discriminating against and mistreating the Crimean Tatar and ethnic Ukrainian communities in Crimea, in furtherance of a state policy of cultural erasure of disfavored groups perceived to be opponents of the occupation regime;

(b) Holding an illegal referendum in an atmosphere of violence and intimidation against non-Russian ethnic groups, without any effort to seek a consensual and inclusive solution protecting those groups, and as an initial step toward depriving these communities of the protection of Ukrainian law and subjecting them to a regime of Russian dominance;

(c) Suppressing the political and cultural expression of Crimean Tatar identity, including through the persecution of Crimean Tatar leaders and the ban on the *Mejlis* of the Crimean Tatar People;

(d) Preventing Crimean Tatars from gathering to celebrate and commemorate important cultural events;

(e) Perpetrating and tolerating a campaign of disappearances and murders of Crimean Tatars;

(f) Harassing the Crimean Tatar community with an arbitrary regime of searches and detention;

(g) Silencing Crimean Tatar media;

(h) Suppressing Crimean Tatar language education and the community's educational institutions;

(i) Suppressing Ukrainian language education relied on by ethnic Ukrainians;

(j) Preventing ethnic Ukrainians from gathering to celebrate and commemorate important cultural events; and

(k) Silencing ethnic Ukrainian media."

It also requests the Court "to order the Russian Federation to comply with its obligations under the CERD, including:

(a) Immediately cease and desist from the policy of cultural erasure and take all necessary and appropriate measures to guarantee the full and equal protection of the law to all groups in Russian-occupied Crimea, including Crimean Tatars and ethnic Ukrainians;

(b) Immediately restore the rights of the *Mejlis* of the Crimean Tatar People and of Crimean Tatar leaders in Russian-occupied Crimea;

(c) Immediately restore the rights of the Crimean Tatar people in Russian-occupied Crimea to engage in cultural gatherings, including the annual commemoration of the *Sürgün*;

(d) Immediately take all necessary and appropriate measures to end the disappearance and murder of Crimean Tatars in Russian-occupied Crimea, and to fully and adequately investigate the disappearances of Reshat Ametov, Timur Shaimardanov, Ervin Ibragimov, and all other victims;

(e) Immediately take all necessary and appropriate measures to end unjustified and disproportionate searches and detentions of Crimean Tatars in Russian-occupied Crimea;

(f) Immediately restore licenses and take all other necessary and appropriate measures to permit Crimean Tatar media outlets to resume operations in Russian-occupied Crimea;

(g) Immediately cease interference with Crimean Tatar education and take all necessary and appropriate measures to restore education in the Crimean Tatar language in Russian-occupied Crimea;

(h) Immediately cease interference with ethnic Ukrainian education and take all necessary and appropriate measures to restore education in the Ukrainian language in Russian-occupied Crimea;

(i) Immediately restore the rights of ethnic Ukrainians to engage in cultural gatherings in Russian-occupied Crimea;

(j) Immediately take all necessary and appropriate measures to permit the free operation of ethnic Ukrainian media in Russian-occupied Crimea; and

(k) Make full reparation for all victims of the Russian Federation's policy and pattern of cultural erasure through discrimination in Russian-occupied Crimea."

251. On 16 January 2017, Ukraine also filed a request for the indication of provisional measures, stating that the purpose was to protect its rights pending the Court's determination of the case on the merits.

252. With respect to the Terrorism Financing Convention, Ukraine requested the Court to order the following provisional measures:

"(a) The Russian Federation shall refrain from any action which might aggravate or extend the dispute under the Terrorism Financing Convention before the Court or make this dispute more difficult to resolve.

(b) The Russian Federation shall exercise appropriate control over its border to prevent further acts of terrorism financing, including the supply of weapons from the territory of the Russian Federation to the territory of Ukraine.

(c) The Russian Federation shall halt and prevent all transfers from the territory of the Russian Federation of money, weapons, vehicles, equipment, training, or personnel to groups that have engaged in acts of terrorism against civilians in Ukraine, or that the Russian Federation knows may in the future engage in acts of terrorism against civilians in Ukraine, including but not limited to the 'Donetsk People's Republic,' the 'Luhansk People's Republic,' the 'Kharkiv Partisans,' and associated groups and individuals.

(d) The Russian Federation shall take all measures at its disposal to ensure that any groups operating in Ukraine that have previously received transfers from the territory of the Russian Federation of money, weapons, vehicles, equipment, training, or personnel will refrain from carrying out acts of terrorism against civilians in Ukraine."

253. With respect to the CERD, Ukraine asked the Court to order the following provisional measures:

"(a) The Russian Federation shall refrain from any action which might aggravate or extend the dispute under CERD before the Court or make it more difficult to resolve.

(b) The Russian Federation shall refrain from any act of racial discrimination against persons, groups of persons, or institutions in the territory under its effective control, including the Crimean peninsula.

(c) The Russian Federation shall cease and desist from acts of political and cultural suppression against the Crimean Tatar people, including suspending the decree banning the *Mejlis* of the Crimean Tatar People and refraining from enforcement of this decree and any similar measures, while this case is pending.

(d) The Russian Federation shall take all necessary steps to halt the disappearance of Crimean Tatar individuals and to promptly investigate those disappearances that have already occurred.

(e) The Russian Federation shall cease and desist from acts of political and cultural suppression against the ethnic Ukrainian people in Crimea, including suspending restrictions on Ukrainian-language education and respecting ethnic Ukrainian language and educational rights, while this case is pending."

254. The public hearings on the request for the indication of provisional measures submitted by Ukraine were held from Monday 6 to Thursday 9 March 2017.

255. At the end of the second round of oral observations, Ukraine confirmed the provisional measures it had asked the Court to indicate; the Agent of the Russian Federation, for his part, made the following concluding statement on behalf of his Government:

"In accordance with Article 60 of the Rules of the Court for the reasons explained during these hearings the Russian Federation requests the Court to reject the request for the indication of provisional measures submitted by Ukraine."

256. On 19 April 2017, the Court delivered its Order on the request for the indication of provisional measures, the operative clause of which reads as follows:

"For these reasons:

THE COURT,

*Indicates* the following provisional measures,

1) With regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

(a) By thirteen votes to three,

Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*;

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Bennouna, Cançado Trindade, Greenwood, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford; Judge ad hoc Pocar;

AGAINST: Judges Tomka, Xue; Judge ad hoc Skotnikov;

(b) Unanimously,

Ensure the availability of education in the Ukrainian language;

2) Unanimously,

Both parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

257. By an Order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019 as the respective time limits for the filing of a Memorial by Ukraine and a Counter-Memorial by the Russian Federation.

### 17. *Application for revision of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia* v. *Singapore)*

258. On 2 February 2017, Malaysia filed an Application for revision of the Judgment rendered by the Court on 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. In that Judgment, the Court found that (1) sovereignty over Pedra Branca/Pulau Batu Puteh belonged to Singapore; (2) sovereignty over Middle Rocks belonged to Malaysia; and (3) sovereignty over South Ledge belonged to the State in the territorial waters of which it was located.

259. Malaysia seeks revision of the Court's finding concerning sovereignty over Pedra Branca/Pulau Batu Puteh.

260. Malaysia bases its Application for revision on Article 61 of the Statute of the Court, paragraph 1 of which provides that:

> "[a]n application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence".

261. In its Application, Malaysia contends that "there exists a new fact of such a nature as to be a decisive factor within the meaning of Article 61". In particular, it refers to three documents discovered in the National Archives of the United Kingdom during the period 4 August 2016 to 30 January 2017, namely internal correspondence of the Singapore colonial authorities in 1958, an incident report filed in 1958 by a British naval officer and an annotated map of naval operations from the 1960s.

262. Malaysia claims that these documents establish the new fact that "officials at the highest levels in the ... Singaporean administration appreciated that Pedra Branca/Pulau Batu Puteh did not form part of Singapore's sovereign territory" during the relevant period. Malaysia argues that "the Court would have been bound to reach a different conclusion on the question of sovereignty over Pedra Branca/Pulau Batu Puteh had it been aware of this new evidence".

263. With regard to the other conditions laid down in Article 61, Malaysia asserts that the new fact was not known to Malaysia or to the Court when the Judgment was given in 2008, because it was "only discovered on review of the archival files of the British colonial administration after they were made available to the public by the UK National Archives after the Judgment was rendered in 2008". Malaysia also argues that its ignorance of the new fact was not due to negligence as the documents in question were "confidential documents which were inaccessible to the public until their release by the UK National Archives".

264. Finally, Malaysia states that its request is also in accordance with the relevant provisions of the Statute in so far as the timing of its Application is concerned, since it "is being made within six months of the discovery of the new fact, since all of the documents that establish this fact and which are referred to in th[e] application were obtained on or after 4 August 2016", adding that it is also "being submitted before the lapse of ten years from the Judgment date of 23 May 2008".

265. In conclusion, Malaysia requests the Court to adjudge and declare that its Application for revision of the 2008 Judgment is admissible and asks it to fix time limits to proceed with consideration of the merits of the Application.

266. On 14 February 2017, pursuant to Article 99, paragraph 2, of the Rules of Court, the President fixed 14 June 2017 as the time limit for the filing, by the Republic of Singapore, of its written observations on the admissibility of the Application for revision filed by Malaysia. The written observations of the Republic of Singapore were filed within the time limit thus fixed.

### 18. *Jadhav Case (India v. Pakistan)*

267. On 8 May 2017, India instituted proceedings against Pakistan "for egregious violations of the Vienna Convention on Consular Relations, 1963" (hereinafter the "Vienna Convention") in the matter of the detention and trial of an Indian national, Mr. Kulbhushan Sudhir Jadhav, sentenced to death by a military court in Pakistan.

268. The Applicant contends that it was not informed of Mr. Jadhav's detention until long after his arrest and that Pakistan failed to inform the accused of his rights. It further alleges that, in violation of the Vienna Convention, the authorities of Pakistan are denying India its right of consular access to Mr. Jadhav, despite its repeated requests. The Applicant also points out that it learned about the death sentence against Mr. Jadhav from a press release.

269. India submits that it has information that Mr. Jadhav was "kidnapped from Iran, where he was carrying on business after retiring from the Indian Navy, and was then shown to have been arrested in Baluchistan" on 3 March 2016, and that the Indian authorities were notified of that arrest on 25 March 2016. It claims to have sought consular access to Mr. Jadhav on 25 March 2016 and repeatedly thereafter.

270. India further contends that, on 23 January 2017, Pakistan requested assistance in an investigation concerning Mr. Jadhav, and subsequently informed India, by Note Verbale of 21 March 2017, that "consular access [to Mr. Jadhav would] be considered in the light of the Indian side's response to Pakistan's request for assistance in [the] investigation process". India claims that "linking assistance to the

investigation process to the grant[ing] of consular access was by itself a serious violation of the Vienna Convention".

271. In its Application, India accordingly "seeks the following reliefs:

(1) [a] relief by way of immediate suspension of the sentence of death awarded to the accused[;]

(2) [a] relief by way of restitution in interregnum by declaring that the sentence of the military court arrived at, in brazen defiance of the Vienna Convention rights under Article 36, particularly Article 36[,] paragraph 1 (b), and in defiance of elementary human rights of an accused which are also to be given effect as mandated under Article 14 of the 1966 International Covenant on Civil and Political Rights, is violative of international law and the provisions of the Vienna Convention[;] and

(3) [r]estraining Pakistan from giving effect to the sentence awarded by the military court, and directing it to take steps to annul the decision of the military court as may be available to it under the law in Pakistan[;]

(4) [i]f Pakistan is unable to annul the decision, then this Court to declare the decision illegal being violative of international law and treaty rights and restrain Pakistan from acting in violation of the Vienna Conventio and international law by giving effect to the sentence or the conviction in any manner, and directing it to release the convicted Indian National forthwith."

272. As the basis for the Court's jurisdiction, the Applicant invokes Article 36, paragraph 1, of the Statute of the Court, by virtue of the operation of Article I of the Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 24 April 1963.

273. On 8 May 2017, India also filed a Request for the indication of provisional measures, pursuant to Article 41 of the Statute of the Court. It is explained in that Request that the alleged violation of the Vienna Convention by Pakistan "has prevented India from exercising its rights under the Convention and has deprived the Indian national from the protection accorded under the Convention".

274. The Applicant stated that Mr. Jadhav "w[ould] be subjected to execution unless the Court indicates provisional measures directing the Government of Pakistan to take all measures necessary to ensure that he is not executed until th[e] Court's decision on the merits" of the case. India pointed out that Mr. Jadhav's execution "would cause irreparable prejudice to the rights claimed by India".

275. India therefore requested that, "pending final judgment in this case, the Court indicate:

(a) [t]hat the Government of the Islamic Republic of Pakistan take all measures necessary to ensure that Mr. Kulbhushan Sudhir Jadhav is not executed;

(b) [t]hat the Government of the Islamic Republic of Pakistan report to the Court the action it has taken in pursuance of sub-paragraph (a); and

(c) [t]hat the Government of the Islamic Republic of Pakistan ensure that no action is taken that might prejudice the rights of the Republic of India or Mr. Kulbhushan Sudhir Jadhav with respect of any decision th[e] Court may render on the merits of the case".

276. India, which referred to "the extreme gravity and immediacy of the threat that authorities in Pakistan w[ould] execute an Indian citizen in violation of obligations Pakistan owe[d] to [it]", further requested that the President of the Court, "exercising his power under Article 74, paragraph 4[,] of the [R]ules of the Court,

pending the meeting of the Court ... direct the parties to act in such a way as will enable any Order the Court may make on the Request for provisional measures to have its appropriate effects".

277. On 9 May 2017, the President of the Court, acting in accordance with the powers conferred upon him by Article 74, paragraph 4, of the Rules of Court, addressed an urgent communication to both parties, calling upon Pakistan, pending the Court's decision on the request for the indication of provisional measures, "to act in such a way as will enable any order the Court may make on this Request to have its appropriate effects".

278. The public hearings on the request for the indication of provisional measures presented by India were held on Monday 15 May 2017.

279. At the end of those hearings, India confirmed the provisional measures it had requested the Court to indicate; the Agent of Pakistan, for his part, asked the Court to reject the request for the indication of provisional measures presented by India.

280. On Thursday 18 May 2017, the Court delivered its Order, the operative part of which reads as follows:

"For these reasons,

THE COURT,

I. Unanimously,

*Indicates* the following provisional measures:

Pakistan shall take all measures at its disposal to ensure that Mr. Jadhav is not executed pending the final decision in these proceedings and shall inform the Court of all the measures taken in implementation of the present Order.

II. Unanimously,

*Decides* that, until the Court has given its final decision, it shall remain seized of the matters which form the subject-matter of this Order."

281. The Court was composed as follows: President Abraham; Judges Owada, Cançado Trindade, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian; Registrar Couvreur.

282. By an Order dated 13 June 2017, the President of the Court fixed 13 September 2017 and 13 December 2017 as the respective time limits for the filing of a Memorial by India and a Counter-Memorial by Pakistan.

### 19. *Request for Interpretation of the Judgment of 23 May 2008 in the case concerning* Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) *(Malaysia v. Singapore)*

283. On 30 June 2017, Malaysia filed an Application requesting interpretation of the Judgment delivered by the Court on 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. In that Judgment, the Court found that (1) sovereignty over Pedra Branca/Pulau Batu Puteh belongs to the Republic of Singapore; (2) sovereignty over Middle Rocks belongs to Malaysia; and (3) sovereignty over South Ledge belongs to the State in the territorial waters of which it is located.

284. Malaysia bases its request for interpretation on Article 60 of the Statute of the Court, which provides that "[i]n the event of a dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party". It also invokes Article 98 of the Rules of the Court.

285. The Applicant explains that "Malaysia and Singapore have attempted to implement the 2008 Judgment through co-operative processes". To that end, they established a Joint Technical Committee, which was, inter alia, tasked with addressing "the delimitation of the maritime boundaries between the territorial waters of both countries". According to Malaysia, that Committee reached an impasse in November 2013. Malaysia asserts that "[o]ne reason [for] this impasse is that the parties have been unable to agree over the meaning of the 2008 Judgment as it concerns South Ledge and the waters surrounding Pedra Branca/Pulau Batu Puteh".

286. More particularly, Malaysia indicates in its Application that:

"[t]he parties have been unable to agree on the meaning and/or scope of the following two points of the 2008 Judgment:

(1) the Court's finding that 'sovereignty over Pedra Branda/Pulau Batu Puteh belongs to Singapore'[;] and

(2) the Court's finding that 'sovereignty over South Ledge belongs to the State in the territorial waters of which it is located'".

287. The Applicant goes on to argue that "[t]he ongoing uncertainty" as to which State is sovereign over the disputed areas "continues to complicate the task of ensuring orderly and peaceful relations". It affirms that "the need to achieve a viable solution to this dispute is pressing", considering the "high volume of aerial and maritime traffic in the area".

288. Accordingly, Malaysia requests the Court to adjudge and declare that:

"(a) 'The waters surrounding Pedra Branca/Pulau Batu Puteh remain within the territorial waters of Malaysia'; and

(b) 'South Ledge is located in the territorial waters of Malaysia, and consequently sovereignty over South Ledge belong to Malaysia.'"

289. Malaysia adds that this request for interpretation of the 2008 Judgment, which was filed on the basis of Article 60 of the Statute of the Court, "is separate and autonomous" from the application for revision of the same Judgment filed on 2 February 2017 on the basis of Article 61 of the Statute, "even if the two proceedings are necessarily closely related".

290. On 10 July 2017, pursuant to Article 98, paragraph 3, of the Rules of Court, the President fixed 30 October 2017 as the time limit for the filing by the Republic of Singapore of its written observations on the request for interpretation made by Malaysia.

## B. Pending advisory proceedings during the period under review

***Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965***

291. On 22 June 2017, the United Nations General Assembly adopted resolution 71/292, in which, referring to Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following questions:

(a) "Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of

14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?";

(b) "What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?"

292. By a letter dated 23 June 2017, the Secretary-General of the United Nations transmitted the request for an advisory opinion to the Court.

293. By letters dated 28 June 2017, the Registrar of the Court then gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of the Statute.

294. By an Order dated 14 July 2017, the Court decided "that the United Nations and its Member States, which are likely to be able to furnish information on the question submitted to the Court for an advisory opinion, may do so within the time-limits fixed in this Order". It fixed 30 January 2018 as the time limit within which written statements on the question may be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute, and 16 April 2018 as the time limit within which States and organizations having presented written statements may submit written comments on the other written statements, in accordance with Article 66, paragraph 4, of the Statute.

# Chapter VI
# Visits to the Court and other activities

### Visits

295. During the period under review, the Court welcomed a large number of dignitaries to its seat.

296. On 25 August 2016, Mr. Stanislaw Tillich, President of the Bundesrat of the Federal Republic of Germany, paid an official visit to the Court, accompanied by a delegation.

297. On 17 March 2017, Mr. Robert Fico, Prime Minister of the Slovak Republic, visited the Court.

298. The following dignitaries were also received at the Court: in August 2016, Mr. Kofi Annan, former Secretary-General of the United Nations; in September 2016, Mr. Yacoub Abdul Mohsin Al Sanae, Minister of Justice of the State of Kuwait; in November 2016, Mr. Alexandros Zenon, Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Cyprus; in December 2016, Mr. László Trócsányi, Minister of Justice of Hungary; in March 2017, Ms Joke Brandt, Secretary-General of the Ministry of Foreign Affairs of the Netherlands, Mr. Oleg Slizhevsky, Minister of Justice of the Republic of Belarus, and Mr. Fernando Huanacuni, Minister of Foreign Affairs of the Plurinational State of Bolivia.

### Other activities

299. To mark its seventieth anniversary, in 2016, the Court organized a photographic exhibition at United Nations Headquarters in New York and at the Palais des Nations in Geneva. The official opening took place on 24 October in New York, in the Visitors' Lobby of the General Assembly Building, in the presence of the United Nations Secretary-General, Mr. Ban Ki-moon, the President of the Court, Judge Ronny Abraham, and various other Members of the Court, the Registrar, Permanent Representatives of Member States to the United Nations, the Legal Counsel and other senior officials of the Organization, legal advisers and experts, as well as professors and students of international law.

300. In a speech delivered during the opening ceremony, Mr. Ban Ki-moon "highlight[ed] the Court's significance and many achievements", adding that in his ten years as Secretary-General he had "witnessed the growing confidence that States have in the Court's ability to help them resolve their differences". He pointed out that the Court's decisions "bring clarity and stability to bilateral relationships and lift tension in conflict-torn regions".

301. The President, in his turn, observed that "[a]mong the means of peaceful settlement of disputes between States, judicial settlement by the International Court of Justice occupies a primary position" and that the exhibition offered a wonderful opportunity to make the Court's work known.

302. The President and Members of the Court, as well as the Registrar and various Registry officials, also welcomed a large number of academics, researchers, lawyers and journalists. Presentations on the role and functioning of the Court were made during these visits. In addition, the President, Members of the Court and the Registrar delivered a number of speeches while visiting various countries, at the invitation of their Governments, and legal, academic and other institutions.

303. On Sunday 25 September 2016, the Court welcomed numerous visitors as part of "The Hague International Day". This was the ninth time that the Court had taken part in this event, organized in conjunction with the Municipality of The Hague and

aimed at introducing the general public to the international organizations based in the city and surrounding area. The Information Department screened the new version of the film about the Court produced by the Registry to mark the Court's seventieth anniversary, gave presentations and answered visitors' questions.

In May-June 2017, the Court participated in organizing and running the seventh Ibero-American Week of International Justice, in cooperation with the International Criminal Court, the Ibero-American Institute of The Hague and other institutions. Among other things, the Court hosted the opening ceremony, which was held in the Great Hall of Justice of the Peace Palace on 31 May.

# Chapter VII

## Publications and presentation of the Court to the public

### Publications

304. The publications of the Court are distributed to the Governments of all States entitled to appear before it, to international organizations and to the world's major law libraries. The catalogue of those publications, which is produced in English and French, is distributed free of charge. A revised and updated version of the catalogue has been published and is available on the Court's website under the heading "Publications".

305. The publications of the Court consist of several series. The following two series are published annually: (a) *Reports of Judgments, Advisory Opinions and Orders* (published in separate fascicles and as a bound volume) and (b) *Yearbook*.

306. The two bound volumes of *Reports 2016* will appear during the second half of 2017. The Court's *Yearbook* was given a completely new layout for *2013-2014* and published for the first time in a bilingual version. The *Yearbook 2015-2016* came out while the present report was under preparation, and the *Yearbook 2016-2017* will appear during the second half of 2017.

307. The Court also publishes bilingual printed versions of the instruments instituting proceedings in contentious cases that are brought before it (applications instituting proceedings and special agreements), and of applications for permission to intervene, declarations of intervention and requests for advisory opinions that it receives. In the period under review, five new contentious cases and one request for an advisory opinion were submitted to the Court (see para. 4 above); the applications instituting proceedings and the request for an advisory opinion have been published.

308. The pleadings and other documents submitted to the Court in a case are published after the instruments instituting proceedings, in the series *Pleadings, Oral Arguments, Documents*. The volumes of this series, which contain the full texts of the written pleadings — including annexes — as well as the verbatim reports of the public hearings, give practitioners a complete view of the arguments elaborated by the parties. Twenty volumes were published in this series in the period covered by the present report.

309. In the series *Acts and Documents concerning the Organization of the Court*, the Court publishes the instruments governing its organization, functioning and judicial practice. The most recent edition, No. 6, which includes the Practice Directions adopted by the Court, came out in 2007. An offprint of the Rules of Court, as amended on 5 December 2000, is available in English and French. These documents can also be found online on the Court's website, under the heading "Basic Documents". Unofficial translations of the Rules of Court are also available in the other official languages of the United Nations and in German, and may be found on the Court's website.

310. The Court issues press releases and summaries of its decisions.

311. A special, lavishly illustrated book entitled *The Permanent Court of International Justice* was published in 2012. This book — in English, French and Spanish — was produced by the Registry of the Court to mark the ninetieth anniversary of the inauguration of its predecessor. It joins *The Illustrated Book of the International Court of Justice*, published in 2006, an updated version of which was released in the period covered by this report, on the occasion of the Court's seventieth anniversary.

312. The Court also publishes a handbook intended to facilitate a better understanding of the history, organization, jurisdiction, procedures and jurisprudence of the Court. The sixth edition of this handbook was published in 2014, in the Court's two official languages.

313. In addition, the Court produces a general information booklet in the form of questions and answers.

314. A photographic booklet entitled "70 years of the Court in pictures" and a new flyer about the Court were also published to mark the Court's seventieth anniversary.

315. Finally, the Registry collaborates with the Secretariat by providing it with summaries of the Court's decisions, which it produces in English and French, for translation and publication in all the other official languages of the United Nations. The publication of the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice* in each of these languages by the Secretariat fulfils a vital educational function throughout the world and offers the general public much greater access to the essential content of the Court's decisions, which are otherwise available only in English and French.

**Film about the Court**

316. With a view to the Court's seventieth anniversary celebrations, the Registry updated its film about the ICJ. The film, which is now available in a great many languages (versus a dozen or so languages previously on offer), is used by the Registry to publicize the Court's activities as widely as possible.

317. This project was completed with assistance from the Members of the Court, various embassies, the United Nations Department of Public Information, regional centres global network of United Nations Information Centres and a number of other United Nations offices around the world; support was also received from the linguistic departments of the International Tribunal for the Former Yugoslavia/International Criminal Tribunal for Rwanda (International Residual Mechanism for Criminal Tribunals), several members of the Registry and volunteers.

318. This film, which is free for non-commercial use, is readily available online, in the six official United Nations languages, on the Court's new website and on UN Web TV. It will also be available on social media networks to ensure its widest possible dissemination.

319. Copies of the DVD containing the film in the six official United Nations languages were distributed to the missions of all Member States on 27 October 2016 at United Nations Headquarters, as well as to the Department of Public Information, the Organization's international law video library and the United Nations Institute for Training and Research. Copies of the DVD are also regularly presented to distinguished visitors and to the many groups (diplomats, students, journalists) that come to the Court every year. The DVD is also given, on request, to diplomatic missions, the media and educational establishments. Finally, the film is shown to visitors in the museum of the Court.

**New website of the Court**

320. In June 2017, the Court launched its new website, designed by the Registry. This tool offers substantial enhancements, in particular as regards searchability, mobile device compatibility, navigation and readability. The new website's two search engines allow users to search in all the publicly accessible documents relating to all the cases dealt with by the Court since 1946. Users may also browse

through non-case-related information on, for example, the functioning of the Court, its history, Members and Registry, as well as various reference documents, including the Charter of the United Nations, the Statute of the Court, the Rules of Court and the Court's Practice Directions.

321. The Court's website is also now compatible with tablets and smartphones, in addition to desktop and laptop computers. Thanks to the improved navigation features, it is now easier for users to find precisely what they are looking for, and the site's enhanced readability complies with international accessibility standards.

322. The new features and functionalities are both comprehensive and targeted, and intended to enhance the experience of all visitors to the website: the "document search" function aims to fulfil the needs of the legal, diplomatic and academic communities, while the "site search" function endeavours to meet the requirements of the general public. Similarly, the press releases and latest multimedia galleries are mainly intended to facilitate the work of members of the press.

323. Moreover, the website provides a description of the Court's various publications, which offer a wealth of information, ranging from general topics to more specific subject matters.

324. The Court continues to provide full live and on demand coverage of its public sittings on its website, as well as on UN Web TV.

325. Finally, in an effort to bring interested groups closer to the work of the principal judicial organ of the United Nations, the site provides detailed information for those wishing to visit the Court, including a calendar of events and hearings, directions to the Peace Palace, and online forms for requests for presentations on the activities of the Court.

**Museum**

326. The museum of the International Court of Justice was officially inaugurated in 1999 by the then United Nations Secretary-General, Mr. Kofi Annan. Following its refurbishment and the installation of a multimedia exhibit, the museum was reopened in April 2016 by Mr. Ban Ki-moon, United Nations Secretary-General, on the occasion of the Court's seventieth anniversary.

327. Through a combination of archive material, art works and audiovisual presentations, the exhibition traces the major stages in the development of the international organizations — including the International Court of Justice — seated in the Peace Palace and whose mission it is to ensure the peaceful settlement of international disputes.

328. Taking the two Hague Peace Conferences of 1899 and 1907 as its starting-point, the exhibition first covers the activities, history and role of the Permanent Court of Arbitration, before moving on to the League of Nations and the Permanent Court of International Justice. It finishes with a detailed description of the role and activities of the United Nations and the International Court of Justice, which continues the work of its predecessor, the Permanent Court of International Justice.

# Chapter VIII
# Finances of the Court

### Method of covering expenditure

329. In accordance with Article 33 of the Statute of the Court, "[t]he expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly". As the budget of the Court has been incorporated in the budget of the United Nations, Member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments decided by the General Assembly.

330. Following the established practice, sums derived from staff assessment, sales of publications, interest income and other credits are recorded as United Nations income.

### Drafting of the budget

331. In accordance with Articles 24 to 28 of the revised Instructions for the Registry, a preliminary draft budget is prepared by the Registrar. This preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court, and then to the full Court for approval.

332. Once approved, the draft budget is forwarded to the Secretariat for incorporation in the draft budget of the United Nations. It is then examined by the Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of decisions concerning the budget of the United Nations.

### Budget implementation

333. The Registrar is responsible for implementing the budget, with the assistance of the Finance Division. The Registrar has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget. He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority. In accordance with a decision of the Court, the Registrar regularly communicates a statement of accounts to the Court's Budgetary and Administrative Committee.

334. The accounts of the Court are audited every year by the Board of Auditors appointed by the General Assembly. At the end of each month, the closed accounts are forwarded to the Secretariat of the United Nations.

### Budget of the Court for the biennium 2016-2017

(United States dollars)

| *Programme* | | |
|---|---|---|
| **Members of the Court** | | |
| 0393902 | Emoluments | 6 953 000 |
| 0311025 | Allowances for various expenses | 1 223 700 |
| 0311023 | Pensions | 4 889 800 |
| 0393909 | Duty allowance: judges ad hoc | 1 050 700 |
| 2042302 | Travel on official business | 49 700 |
| **Subtotal** | | **14 166 900** |

| *Programme* | | |
|---|---|---|
| **Registry** | | |
| 0110000 | Permanent posts | 15 541 900 |
| 0200000 | Common staff costs | 6 253 000 |
| 1540000 | After-service medical and associated costs | 519 400 |
| 0211014 | Representation allowance | 7 200 |
| 1210000 | Temporary assistance for meetings | 1 207 200 |
| 1310000 | General temporary assistance | 235 100 |
| 1410000 | Consultants | 485 600 |
| 1510000 | Overtime | 85 200 |
| 2042302 | Official travel | 41 100 |
| 0454501 | Hospitality | 26 000 |
| **Subtotal** | | **24 401 700** |
| **Programme Support** | | |
| 3030000 | External translation | 418 200 |
| 3050000 | Printing | 513 900 |
| 3070000 | Data-processing services | 1 660 400 |
| 4010000 | Rental/maintenance of premises | 3 110 400 |
| 4030000 | Rental of furniture and equipment | 273 000 |
| 4040000 | Communications | 168 200 |
| 4060000 | Maintenance of furniture and equipment | 162 000 |
| 4090000 | Miscellaneous services | 57 500 |
| 5000000 | Supplies and materials | 368 800 |
| 5030000 | Library books and supplies | 218 100 |
| 6000000 | Furniture and equipment | 143 600 |
| 6025041 | Acquisition of office automation equipment | 44 700 |
| 6025042 | Replacement of office automation equipment | 107 300 |
| **Subtotal** | | **7 246 100** |
| **Total** | | **45 814 700** |

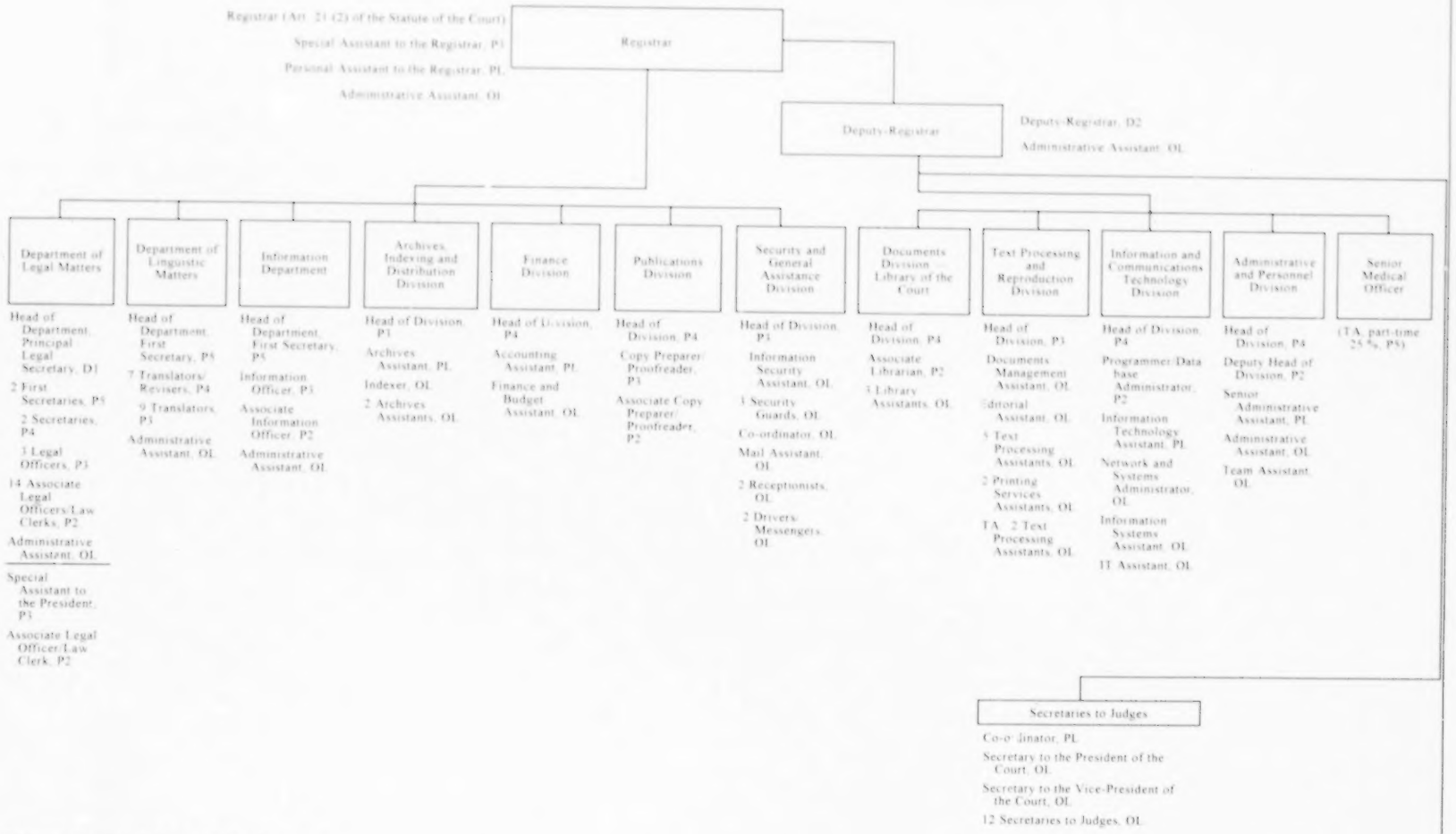
335. More comprehensive information on the work of the Court during the period under review is available on its website, as well as in the Yearbook 2016-2017, to be published in due course.

(*Signed*) Ronny **Abraham**
President of the International
Court of Justice

The Hague, 1 August 2017

# Annex

## International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2017


Registrar (Art. 21 (2) of the Statute of the Court)
Special Assistant to the Registrar, P3
Personal Assistant to the Registrar, PL
Administrative Assistant, OL
Registrar
Deputy-Registrar
Deputy-Registrar, D2
Administrative Assistant, OL
Department of Legal Matters
Head of Department, Principal Legal Secretary, D1
2 First Secretaries, P5
2 Secretaries, P4
3 Legal Officers, P3
14 Associate Legal Officers/Law Clerks, P2
Administrative Assistant, OL
Special Assistant to the President, P3
Associate Legal Officer/Law Clerk, P2
Department of Linguistic Matters
Head of Department, First Secretary, P5
7 Translators/Revisers, P4
9 Translators, P3
Administrative Assistant, OL
Information Department
Head of Department, First Secretary, P5
Information Officer, P3
Associate Information Officer, P2
Administrative Assistant, OL
Archives, Indexing and Distribution Division
Head of Division, P3
Archives Assistant, PL
Indexer, OL
2 Archives Assistants, OL
Finance Division
Head of Division, P4
Accounting Assistant, PL
Finance and Budget Assistant, OL
Publications Division
Head of Division, P4
Copy Preparer/Proofreader, P3
Associate Copy Preparer/Proofreader, P2
Security and General Assistance Division
Head of Division, P3
Information Security Assistant, OL
3 Security Guards, OL
Co-ordinator, OL
Mail Assistant, OL
2 Receptionists, OL
2 Drivers/Messengers, OL
Documents Division/Library of the Court
Head of Division, P4
Associate Librarian, P2
3 Library Assistants, OL
Text Processing and Reproduction Division
Head of Division, P3
Documents Management Assistant, OL
Editorial Assistant, OL
5 Text Processing Assistants, OL
2 Printing Services Assistants, OL
TA: 2 Text Processing Assistants, OL
Information and Communications Technology Division
Head of Division, P4
Programmer/Data base Administrator, P2
Information Technology Assistant, PL
Network and Systems Administrator, OL
Information Systems Assistant, OL
IT Assistant, OL
Administrative and Personnel Division
Head of Division, P4
Deputy Head of Division, P2
Senior Administrative Assistant, PL
Administrative Assistant, OL
Team Assistant, OL
Senior Medical Officer
(TA, part-time 25 %, P5)
Secretaries to Judges
Co-ordinator, PL
Secretary to the President of the Court, OL
Secretary to the Vice-President of the Court, OL
12 Secretaries to Judges, OL

Abbreviations to table on following page.

Abbreviations to table:

*Abbreviations:* PL: Principal Level; OL: Other Level; TA: Temporary Assistance.

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